



Debates

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Wednesday, 19 September 2018

MADAM SPEAKER (Ms J Burch) took the chair at 10 am, made a formal recognition that the Assembly was meeting on the lands of the traditional custodians, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Land Tax (Community Housing Exemption) Amendment Bill 2018

Mr Parton, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR PARTON (Brindabella) (10.01): I move:

That this bill be agreed to in principle.

We have a rental affordability crisis in the ACT. I think we can all agree on that. This bill is not a silver bullet in that space, but it will ease the crisis for a number of individuals and families, and the time to do it is now. The time for talk in this space is over. It is time for us to act.

Earlier this year I was determined to craft a motion calling on this government to give property owners a break on land tax if they were prepared to rent their property through a community housing provider at an affordable level. It pretty much would make sense to everyone. It followed much consultation with the community housing sector, the Real Estate Institute and a bunch of other stakeholders.

I thought this was a sensible thing to do, as it had the twin virtues of providing a useful stimulus on the supply side while not requiring additional spending on the budget side. Of course, there was some forgone revenue, but certainly the mathematics that we did suggested that that would not amount to a great deal. It would be a modest sacrifice for what was returned to the market.

My office was ready to go with a motion when I heard that Ms Le Couteur had also crafted one that embraced those thoughts on land tax. Ms Le Couteur very kindly took me through her proposal and I was quite buoyant at the prospect of us collectively getting the government to adopt a sensible and simple measure to at least help some Canberrans suffering from rental stress.

I stopped work on my motion at that point and looked forward to supporting the creation by the Greens of the land tax exemption. This would surely be a great outcome for the supply of affordable housing and could be achieved in a reasonably short space of time.

On 1 August Ms Le Couteur presented her motion for the exemption and spoke with conviction, pointing out that Canberra was in the grip of an affordable housing crisis.

The land tax concession issue was considered to be so significant that, as Ms Le Couteur pointed out, it had been enshrined in a previous Greens–Labor parliamentary agreement, so it must have been pretty important. Ms Le Couteur indicated that, unfortunately, this aspect of their agreement was not pursued. Ms Le Couteur also explained to this Assembly that the Liberals had taken some interest in this proposal and she agreed that it was an entirely reasonable idea.

In speaking to the land tax proposal, Ms Le Couteur explained that her motion involved providing an exemption from land tax for residential property investors who rent their property to low and moderate income households. Property owners would receive a discounted market rent through not-for-profit community housing providers. Under the Land Tax Act 2004, community housing providers are exempted from this tax for housing properties that they rent out as affordable housing.

Ms Le Couteur went on to highlight the merits of using community housing providers. The positives included their not-for-profit operating principle, their charitable purpose, their strong regulatory oversight and their systems for selecting appropriate and eligible tenants, which is probably the most important thing. They work in this space every day, and ultimately they would love to be able to deliver more properties to the market. They have the required social mission and purpose.

On the day of that motion, the housing minister circulated amendments to Ms Le Couteur's motion which we think changed it significantly, calling on the government pretty much to sit back and do nothing while further investigations and reports were done. I was gobsmacked. I think that the time for talking on this is over. I think we should just do it. We can do something positive and practical in this chamber to mitigate the plight for at least some Canberrans living under rental stress. It requires no anguish or complex research and it will not send the government broke.

The bill I have presented here is conceptually quite simple. I will brush over some of the core elements, noting that we have a detailed explanatory statement on it. Similar to the Greens motion, it involves the inclusion of an additional exemption provision in the Land Tax Act 2004. As stated in the bill, a provision is created to include a new section 13A to allow property owners to enter into an agreement with a registered community housing provider to rent out their properties at an affordable rental. Under this proposed arrangement, owners are exempted from land tax obligations while ever the property is rented for affordable housing purposes by that community provider.

The bill also outlines the requirements under which exemption is facilitated and managed. These include prescribing when the exemption arrangement comes into effect and the circumstances under which an exemption would lapse. The bill also sets out things like the timing for this Assembly to review the operation of section 13A after the second year of its operation has elapsed.

In conclusion, the principle underlying this bill is compassion—compassion for those in need. The legislative technicality is straightforward. It entices the market without coercing it and, most importantly, it helps lift the rental stress that many Canberrans are currently suffering. What is proposed here today is nothing more or less than what

my Greens colleague sought to put in place back on 1 August, and I suspect that most of us in this chamber have a good degree of sympathy for this measure as well.

In conclusion, I invite those opposite to demonstrate their compassion and their commitment to helping those in need of affordable housing by adopting this bill. It is not a demanding or arduous decision; it will not derail whatever else the government might have in mind. It would make an enormous difference to the lives of some who would now get a chance to access an affordable home that would otherwise be denied to them.

Debate (on motion by **Mr Barr**) adjourned to the next sitting.

Domestic Animals (Dangerous Dogs) Legislation Amendment Bill 2018

Exposure draft

MS LAWDER (Brindabella) (10.08), by leave: I present the following paper:

Domestic Animals (Dangerous Dogs) Legislation Amendment Bill 2018—
Exposure draft.

I seek leave to make a statement in relation to the paper.

Leave granted.

MS LAWDER: Firstly, Madam Speaker, let me quote these words:

I rise today to address a matter that is becoming a significant concern to Canberrans and which the government and all members can do something about today. I am not going to talk about theoretical plans, artists' impressions or legislation that may or may not be enacted by lawmakers in other places, other cities or other countries. I am going to talk about something that each member here can do to look after the wellbeing of Canberrans in our city today.

The issue of dangerous dogs, injuries to people from dogs, injuries and death to pets by dogs and the general fear created by poorly managed dogs is something that is of growing concern in our community. A lack of resources, a lack of urgency to address the existing legislation, a lack of education of dog owners about their responsibilities and obligations and an apparent lack of priority from this government concerning dogs have resulted in a problem that is rapidly running out of control.

Those are the words of my late colleague Steve Doszpot in March 2017. Mr Doszpot, along with his Canberra Liberals colleagues here, had been formally consulting with a range of stakeholders with different community interests on dog management and dog control for some months. We knew it was a growing problem in Canberra.

There were 85 attack investigations in 2012-13; 93 attack investigations in 2013-14; 245 attack investigations in 2014-15; and 360 attack investigations in 2015-16. In March 2017 Mr Doszpot prepared a motion to try to get the government

to seriously address what was becoming a major public safety issue, a major animal welfare issue and a major community concern.

He implored Labor and the Greens in this place to support a series of recommendations which included, for example, the following: (a) allocate more resources to investigate serious attacks by dogs; (b) allocate more resources for education about the responsibilities of dog ownership; (c) provide better feedback to victims about the progress of complaints about attacks by dogs; (d) review the law that allows dogs that have been found responsible for vicious attacks to be returned to owners; (e) review the law that allows dogs that have been found responsible for vicious attacks resulting in the death of other dogs to be returned to owners; (f) increase penalties imposed on owners where their dog has been found to have been responsible for vicious attacks resulting in serious injury to people and/or the death of other animals.

In case those present cannot remember what happened with Mr Doszpot's motion in March 2017, let me refresh your memories. What happened with Mr Doszpot's motion in March 2017? Nothing. Labor and the Greens removed all the words in Steve's motion—all of them—and inserted a watered-down version in their own words that did not require the government to do very much at all.

At that time Ms Le Couteur said in her support of the government:

I am not convinced that even higher penalties will work, and I am reluctant to commit to even higher penalties without substantial community consultation.

Of all the reasons why we hear the Greens support the government over and over again, I found this very curious: consultation on increasing fines? When does that happen? Speeding fines, parking fines—when has there ever been community consultation about increasing these fines? I found it astonishing. Does Ms Le Couteur think that the owners of vicious dogs are a special group that deserve to be consulted, unlike owners of cars, for example, with regard to speeding or parking fines? It was yet another of the disingenuous excuses given to support the government.

Again, in support of the government's do-nothing words in that motion, Ms Le Couteur said:

Do we really think that if a dog is mauling another dog it is going to stop because its owner might end up in jail? Clearly, that is nonsense ... We are also concerned that increasing penalties may potentially have a disproportionate impact on low income families ... What is the actual impact?

So this do-nothing motion was passed by Labor and the Greens and we soon saw the real-world impact. We soon saw what happened. In his summing up of that motion, Mr Doszpot said:

We were very hopeful that the motion I moved today would be accepted. We accepted the changes in good faith in discussions with your office. We were very happy that we could do something together. I was hopeful that for once we were

looking at something not as a partisan issue. We are not trying to make politics out of this; we are simply trying to focus the attention of this government on the needs in the community at the moment.

Mr Doszpot, sadly and prophetically, said:

What will it take before both lawmakers and pet owners take appropriate action to stop the disturbingly regular occurrences of dogs attacking people and other canines?

As I said, we all know what the real-world impact of that failure to act was. We know what happened that actually made the government take action once and for all. It was the death of a Canberra woman. Within days of that tragedy in October 2018, the then minister finally announced that the government would consider a range of legal amendments.

What happened next, Madam Speaker? In November, after Mr Doszpot's death, Mr Coe took up the campaign to have our dog laws improved. Again, the Canberra Liberals took the initiative and brought forward a bill to improve the laws on dog management. The government would have you believe that they instigated this action. It has been through constant pressure from the Canberra Liberals that this has taken place. It was the Canberra Liberals that brought the bill to the Assembly. The government made some amendments, but it was an opposition bill that brought about the changes.

It remains the Canberra Liberals who are responding to the continuing problem of dog management in our city. I wonder what priority this government really places on community safety, on animal welfare and the management of dogs. We have been consulting widely with the community. We have conducted surveys, mobile offices and meetings. Only a few weeks ago we held Canberra-wide pop-up events in every area of Canberra. We talked to dog owners at dog parks, public parks and shopping centres. We have been listening and taking note of the feedback.

We welcome the release earlier this week of the independent expert review into the management of dogs in the ACT. It was spoken about by the government on Monday and we received a copy on Tuesday. This report acknowledges community concern about dog attacks and states that the number of dog attacks and hospital presentations are increasing. It supports the issues that we, the Canberra Liberals, have brought to this place over and over again.

Based on what I have read so far, having got a copy of it only yesterday, we agree with much of what that report says. It was given to the government in April, nearly six months ago. They have had it that long. What have they done with it in that time? That is what I would like to know. Why have they waited? Why did they not release it earlier? Why have they not taken action? What have they done in the past six months or so since they got that report to protect Canberrans and their pets?

The report does acknowledge the important role that pet owners play in the management of dogs. The report said that victims should be informed about the

outcomes of an investigation, that data be collected and stored more effectively and that dog rangers be given the power to seize dogs that pose a risk to the public safety.

While I find it odd that the government would suppress this report for nearly half a year without any particular reason, I welcome the review and I hope the government will take it very seriously into consideration when it considers my exposure draft that I presented today.

The exposure draft that I presented today will create clear accountability measures that address many of these areas. Many victims of dog attacks have complained that they are not informed of the status of investigations into dog attacks. We have previously raised this issue with the government on behalf of constituents, of victims, but the government did not seem to think it mattered.

Under these proposed new laws, domestic animal services will be required to inform the victim, dog owner and responsible minister of the outcome of the investigation within 14 days of its completion. The registrar will also be required to collect data and document an investigation. Our proposed laws also address the conditions under which a dog is seized, tightening them to require that a dog that seriously injures or kills a domestic animal must be impounded during an investigation.

The report urged that dogs should not be seized for minor incidents. Our proposed laws make provision for this by distinguishing between domestic and non-domestic animals. A dog that innocently kills or injures a non-domestic animal would not be captured by the proposed legislation.

While Labor and the Greens prevaricate and do nothing, the dog problem is getting worse. It is getting worse. The *Canberra Times* reported on 8 July 2018 that 220 dog attacks have occurred in Canberra in the first five months of the year. Almost 100 involved a dog attacking a human. That is about two people attacked by dogs every three days. Why, then, has the government sat on this report for nearly six months?

How do those two people, every three days, feel about this? How do the owners of the pet dogs Jack, Rocky, Coco, Rex, Biscuit, Max, Buddy, Indi, Molly, Cooper, Bear, Duke or Toby feel about the fact that the government has sat on this report for nearly six months and done nothing? There have been 124 pets reported to have been attacked in the first five months of this year. These are dogs that have been attacked, mutilated or killed.

How do those owners feel about the fact that the government has done nothing with this report for nearly six months, the fact that those owners have faced enormous bills from their vet, and psychological and emotional distress for them and the rest of their families? Some have been so traumatised that they will not go out walking in their own streets anymore. They certainly will not take their dog out if their dog has survived such an attack.

Where is the animal welfare interest in having pets on leads being mauled to death in a public street? Where is the concern for the welfare of animals in letting this

continue? Even worse, they are mauled and left to die a slow, painful death while their owners do everything they can—and they are usually absolutely willing to do everything they can—to patch up their beloved pet with expensive operations and round the clock care.

I also mention the tragic problem of dog attacks on guide dogs. In April this year a client survey by Guide Dogs NSW/ACT found that 50 per cent, or one in two handlers, had reported attacks on their dog by another dog. In serious cases, the guide dog had to be retired, at great emotional and financial cost. The government's independent report highlights the wider cost to the community:

There is a significant community cost as a consequence of dog bites ... There is also a quantifiable cost to the broader community as a result of dog attacks. This includes a burden on the public medical sector as a result of hospitalization; use of government resources to respond to community complaints of roaming and/or menacing dogs, and to investigate and action dog attacks, and costs to the judicial system when responding to civil and/or criminal litigation following an attack.

Madam Speaker, the Canberra Liberals will keep pressing the government to make Canberra safer for people and their pets. We will continue to bring forward recommendations and bills to achieve that. This is a continuing effort to get this government to address the issue of dog management in Canberra.

This is the first of our next lot of proposed amendments. We are bringing forward a number of quite specific, targeted proposals, rather than bringing forward a very wide range of amendments all at once, because the Domestic Animals Act is quite a complex act. It has been patched here and there over the years.

On the basis of our continuing active public consultation, we are flagging that we are bringing more proposals to the Assembly in the future until the ACT's dog management laws make the city safer for our people and our pets. This exposure draft is being added to the legislation register to enable interested Canberrans and stakeholders to provide feedback. They can also provide feedback via our ongoing survey.

In conclusion, this government has been reluctant for years to address the serious and growing issues of dangerous dogs in Canberra. At the Canberra Liberals' continual urging, they have tried a couple of bandaid solutions on what has been and continues to be a haemorrhaging problem. The government has had to deal with and continues to deal with the tragic results of this negligence. They have been dragged kicking and screaming at every point to make changes to dog legislation.

I would like to thank the many constituents who have shared their sometimes tragic and traumatic experience of dog attacks and who have provided suggestions and feedback so far. In echoing Mr Doszpot's words, I hope that the government, and Minister Steel in particular, approach this exposure draft in a productive, collaborative and bipartisan way. On Mr Steel's first day after he was appointed, I wrote a letter to him offering a collaborative approach to the issue of dog control. I am sure the answer to my letter will be coming very shortly.

I would again like to acknowledge my late colleague Mr Doszpot for his relentless role at holding the government to account on improved dog legislation. I acknowledge Mr Coe, who took up the baton after Steve's death. Today, with the support of my colleagues, I would like to commend this exposure draft of the Domestic Animals (Dangerous Dogs) Legislation Amendment Bill 2018 to the Assembly. I encourage wide public debate and public submissions with a view to making Canberra a safer city for all of our people and all of our pets.

Mr Steel: Point of order, Madam Speaker. I seek your guidance in relation to standing order 52. The last two speakers in the Assembly have spent a great deal of time reflecting upon votes of the Assembly. I ask for your guidance in relation to that.

MADAM SPEAKER: Thank you, Mr Steel. I am aware of the standing order. For members' interest, it says:

A Member may not reflect adversely upon any vote of the Assembly, except upon a motion that the vote be rescinded.

There is no point of order. I think there is a lot of debate in this place that does reflect on people's behaviours and actions—those in the chamber and those out of the chamber—but it is also always useful to be reminded of the standing orders; so thank you, Mr Steel.

Mr Coe interjecting—

MADAM SPEAKER: Mr Coe, there is no need for those types of interjections.

Drugs of Dependence (Personal Cannabis Use) Bill 2018 Exposure draft

MR PETTERSSON (Yerrabi) (10.26), by leave: I present the following papers:

Drugs of Dependence (Personal Cannabis Use) Amendment Bill 2018—
Exposure draft—

Exposure draft.

Draft explanatory statement.

I seek leave to make a statement in relation to the papers.

Leave granted.

MR PETTERSSON: This bill will amend the Drugs of Dependence Act 1989 and the Criminal Code 2002, with the effect of legalising cannabis for personal use. The bill will allow individual possession of up to 50 grams of cannabis and will also allow for the cultivation of up to four cannabis plants. It is time for a sensible approach to drug policy in this country and right here in the ACT.

They say those who do not learn from history are doomed to repeat it. Well, history has shown us that prohibition is a failed policy and that “just say no” does not work. It is time for a commonsense, evidence-based approach. It is time to legalise the personal use of cannabis in the ACT.

Cannabis is the most commonly used illicit drug in Australia according to the Australian Criminal Intelligence Commission in their report *Organised Crime in Australia 2017*. The national drug household strategy survey 2016 found that 35 per cent of Australians have used cannabis and 10 per cent have used it in the last year. That means one in three Australians will try the drug in their lifetime, despite the prohibitionist “just say no” campaign. If any other policy was such a dismal failure, it would have been scrapped long ago.

Cannabis is not a particularly harmful substance in comparison to other legal drugs like alcohol, tobacco and prescription medication. According to the Australian Institute for Health and Welfare, in their report on the impact of alcohol and illicit drug use on the burden of disease and injury in Australia, alcohol represents 4.6 per cent of the total disease burden, tobacco nine per cent and cannabis only 0.1 per cent.

In 2016 the misuse of prescription drugs such as codeine and other opioids caused more deaths than all illicit drugs combined. Tobacco and alcohol combined to kill around 20,000 Australians last year and each and every year.

A common argument against cannabis is that it is a gateway drug that will encourage people to try harder substances. This is simply untrue and a massive simplification of both external and internal factors surrounding drug dependency. Most users of cannabis do not go on to try harder drugs. I am not saying that cannabis does not have any negative effects; people can suffer adverse effects from its use. But when compared to the health impact of other legal drugs, the case for criminalisation just does not stack up.

In the ACT on average almost one Canberran a day is arrested for cannabis consumption and over 50 per cent of all drug-related arrests are cannabis consumers—that is, people are caught with a small amount of cannabis for personal use. Valuable police resources are being wasted focusing on recreational marijuana users who are causing no harm except to themselves.

By legalising cannabis we can prevent recreational users from getting criminal records and can allocate police resources to focus on real criminals. Putting people into the criminal justice system creates an unnecessary harm that has a flow-on effect to the wider community. Getting caught with a small amount of cannabis should not ruin a person’s life. We need to legalise it.

From a law and order perspective, the second benefit of legalised cannabis is that it will stop money going into the hands of organised crime. Rather than bkie gangs controlling the sale of cannabis and taking the profits, Canberrans can grow their own

plants. This will also limit the interaction ordinary Canberrans may have with organised crime.

Madam Speaker, let me pre-empt some of the criticisms or concerns about this bill that people in the hard right conservative faction of the Liberal Party, who are sniggering opposite, may have. To those who may question whether this change is really necessary: yes. As I have shown, criminalisation itself causes harm. To people who may question why we should prioritise such an issue: this may not be the most important issue to you, but for a section of our community it is important. This, combined with the positive flow-on effects of legalisation, justify us legislating for this change.

People may be concerned about the mental health effects of cannabis. Studies have shown that cannabis can have a negative impact on the mental health of those with pre-existing mental health conditions or those genetically predisposed to having one. The current system is not preventing these people from using cannabis, but the prospect of a criminal record is not going to improve anyone's mental health and it may stop people seeking professional help, should they need it.

I have seen scaremongering about substance-affected road users driving when people are picking up their kids from school. This is a scare tactic. It will remain illegal to drive under the influence of cannabis, just as it is illegal to drive drunk. People who were law-abiding yesterday will not all of a sudden become law-breakers tomorrow.

It is time for our government to legalise cannabis for personal use. Our current laws are based on historical misinformation. Sensible policy would treat cannabis like we do tobacco and alcohol and not criminalise the 35 per cent of Australians who have used the substance. No-one should have their life ruined because they got caught with a bit of pot.

Since I announced this bill on Monday, I have received an outpouring of community support. Canberrans support progressive, evidence-based policies. The community is ready for this bill. I urge all members of this place to support this bill. This is a commonsense reform; let's get it done.

ACT Health—governance

Standing order 136—statement by Speaker

MADAM SPEAKER: Members, standing order 136 enables the Speaker to disallow any motion or amendment which is the same in substance as any question which has been in this calendar year resolved in the affirmative or negative. In exercising discretion under this standing order the Speaker needs to have regard to the intent of the standing order—namely, to prevent obstruction or unnecessary repetition which would consume the valuable time of the Assembly.

Mrs Dunne's notice of motion is listed as notice No 2, private members' business, on today's notice paper. On 1 August this year the Assembly debated a motion moved by Mrs Dunne which was listed on the daily program as the possible establishment of a board of inquiry into bullying in ACT Health. Whilst the notice lodged on Monday

has a different preamble, Mrs Dunne's notice also calls on the executive to establish a board of inquiry into matters about ACT Health. In fact, points (2)(b) and (c) of today's motion are the same as the motion of 1 August, bar a change of month

Mrs Dunne, although the matter is somewhat the same in substance as the motion debated and negatived on 1 August, I will allow this motion today. However, I do not want to see another motion calling for an inquiry under the Inquiries Act in this calendar year unless there are exceptional circumstances. Mrs Dunne, you have the call.

ACT Health—governance

MRS DUNNE (Ginninderra) (10.34): I move

That this Assembly:

(1) notes the:

- (a) Australian Medical Association's call for a board of inquiry into the ACT Health governance structure, workplace culture and industrial practices, and matters raised in the Australian Council on Healthcare Standards' 2018 Accreditation Report (including the Interim Report) into ACT Health;
- (b) support of the Australian Salaried Medical Officers Federation for a board of inquiry;
- (c) support of the ACT Visiting Medical Officers Association;
- (d) support of the media for a board of inquiry;
- (e) powers of a board of inquiry; and
- (f) protections and privileges offered in a board of inquiry setting; and

(2) calls on the Executive to:

- (a) reverse its opposition to the establishment of a board of inquiry to investigate the matters set out in part (1)(a);
- (b) by 31 October 2018, consult with the Opposition, the Crossbench and relevant health sector professional representative bodies to finalise terms of reference and appointees for a board of inquiry under the *Inquiries Act 1991* (the Act) to investigate the matters set out in part (1)(a); and
- (c) during the November 2018 sitting period, table an instrument of appointment in accordance with section 5 of the Act.

Madam Speaker, before I begin my formal comments, I would like to reflect on your statement. There are exceptional circumstances that would warrant the introduction of this motion today, which I will reflect on in my comments. It is quite clear that there have been developments in this area since the motion that was moved in August which warrant the opposition bringing this matter forward in a somewhat similar but different set of circumstances.

Madam Speaker, the words "political stunt", "tens of millions of dollars" and "unwarranted" have all been used by the Minister for Health and Wellbeing to try to

bat away the call for a board of inquiry into ACT Health. The minister has now caved in to some extent to the pressure that she has been under. She now says, after having said that even a low-level inquiry was unwarranted, that there needs to be some sort of independent review, a lower level inquiry that does not have the powers or effectiveness of a board of inquiry. We do not know what the minister has in mind, and after yesterday's question time it is apparent that the minister does not know what her mind is about or what that board of inquiry should look like. But more of that later.

What have professional bodies said about the need for a review? This, too, has changed since the August motion. The AMA have come out and said that enough really is enough. They have said in the context of "sunshine as disinfectant":

The minister's proposal for a private, behind closed-door review just doesn't cut it. There's no sunshine behind closed doors.

The ACT Visiting Medical Officers Association said:

Two years ago the government set up an anti-bullying committee which they called a critical culture committee ... and the result has been dismal and getting worse.

The Australian Salaried Medical Officers Federation said:

Too much time and money has already been wasted on private inquiries that have achieved nothing.

They went so far as to say that the minister's proposal was "half-baked". It was clear from yesterday's question time that it is half-baked, that she has not thought it through, and that it was designed to avoid public scrutiny.

The media has weighed into the argument as well. A *Canberra Times* editorial said that the minister's proposed review could degenerate into a waste of health services staff's time and public money. They went on to say that if the government wants to do the job properly, it requires nothing less than a fully-fledged board of inquiry. It is an unusual circumstance for me to find that the *Canberra Times* is editorialising on the front page of the paper in favour of a Canberra Liberals proposal. It is a very unusual circumstance. But the government still says that a board of inquiry is not warranted.

It is interesting to see the flip-flopping of the minister. Last week she went out under pressure and said that there would be some sort of board of inquiry. Across the banner of the *Canberra Times* there was a quotation attributed to the minister: "There are things that need to be investigated." By yesterday in question time the minister was playing it down again. There are things that she is afraid of.

It is interesting. The minister is obviously trying to protect people. In the media yesterday she said that there is the potential for a board of inquiry to be misused and people named in public, causing enormous professional and personal harm. I wonder what Minister Fitzharris would say to those former and even current staff of ACT Health whose careers and livelihoods, self-esteem and families have already

been destroyed by the very people whose professional and personal standing Minister Fitzharris wants to protect.

I wonder what Minister Fitzharris would say to staff who have taken sick leave because of the workplace culture at ACT Health, because of the “can’t do” or “won’t do” process-driven attitude of bureaucracy. I wonder what Minister Fitzharris would say to the families of those who have attempted or even committed suicide because of the treatment that they have endured from the very people that she wishes to protect. Minister Fitzharris brushes off the claims of bullying, intimidation and harassment in ACT Health. She says that there are safe and respectful pathways in place to deal with these issues.

Last time I spoke in this place, I told the story of Charlie. Let me tell you the story of another ACT employee. I will call him Frank. He told me his story over a cup of tea, in 2½ hours, with my senior adviser and his partner earlier this week. Frank is no precious petal. In a past job, Frank, as a leader of others, bravely stared down situations that threatened his very life. He led people in those circumstances. Death was always a risk. Death would not have come as a surprise. He leads a team in ACT Health now. He has developed a strong team culture, one that will work, with a good work ethic that gets things done.

He does not get support from his superiors. He is probably better qualified than some of his superiors, and that may be part of Frank’s problem. His superiors assert their authority in the most destructive way, to the point where Frank and others in his team have submitted complaints. Instead of addressing these issues, these complaints served only to intensify the bullying, intimidation and harassment coming from management.

It was not just from Frank’s immediate boss; it came from all directions in the senior management team. It was like a vitriolic gang, relentlessly wearing Frank and others down. He has been performance managed, summoned to no-notice performance meetings where voice recordings have been taken without his knowledge. He has been belittled in front of the team that he manages. Management has even told Frank’s team that he is on the way out.

Frank’s managers have even taken advantage of his trust and faith in the system by not writing things down and then denying that they ever said anything about the agreements and commitments that they had made to him. He has been shut down when he has discovered issues that his managers think are either too hard or too expensive to fix. These include issues that go to the safety of staff, patients and visitors to the Canberra Hospital.

Frank is currently on leave for a short time, a matter of weeks. Immediately he went on leave, his managers invited expressions of interest from other employees to act in his role. Temporary positions are usually not put up for acting arrangements unless they are somewhere between three and six months duration. This is not the sort of leave that Frank has taken, and this is clearly intimidatory.

Frank, like the AMA, has said that enough is enough. He is still an employee, but he is on sick leave. He is getting psychological counselling to help him deal with the trauma and stress the behaviour of senior management has caused. He is afraid to use ACT Health's employment assistance scheme. He is afraid because inevitably someone in the management team will find out and will redouble their bullying, intimidation and harassment. There is no trust between Frank and ACT Health.

When Frank went home on his last day before going on leave, he was, by his own description, a shaking mess. The man who faced almost certain death in previous dangerous jobs was a shaking mess. His partner said to me over that cup of tea, "This is what they do to strong men." Frank knows that he has to go back to work. He cannot afford to stop working. But he cannot face going back to the behaviour of his managers. Frank told me he was scared; he was scared to go back to work and he did not feel safe at the Canberra Hospital. The man who faced death elsewhere, himself and his team, is scared to work in a first-world hospital because he does not feel safe.

Minister Fitzharris is afraid that having people named in a public board of inquiry will cause them enormous professional and personal harm. If Frank's story exposes those people for what they really are—bullies—a board of inquiry has been a success. Their professional personal standing does not deserve protection because they are utterly unprofessional.

Madam Speaker, the things that are happening to Frank and other members of ACT Health are happening today. We have been told over and over again by Minister Fitzharris and Mr Rattenbury that something magical happened in March and all we have to do is put those old stories from the past in the past. I can tell you that the people are still suffering. Frank is still suffering. The office workers from Calvary who are being bullied are being bullied today. They were being bullied last week, not last February—last week. This is going on over and over again. These stories are happening today. They draw a big question mark over Minister Fitzharris's claims that ACT Health is going through some sort of renaissance.

Similarly, there is a big question mark over the departure of the designated CEO of Canberra Hospital and Health Services just three days after announcing her in her role. It has been said that the CEO gave personal reasons for leaving, but is that entirely the case, Madam Speaker? We have thought about this, and we have discussed it at length and with a number of people. No-one can come up with the sort of personal reason that would cause someone to stand in front of the media on Monday and by Wednesday night decide that she could not possibly hold down this job. What was so profound that it led her to resign before she even saw her desk? What was it? And what was said to her, and by whom? Who has the most to gain from her departure or her non-starting?

Minister Fitzharris has called a board of inquiry a witch-hunt. She can use that term if she likes, but for me, if it is a witch-hunt, we need to exorcise the witches from ACT Health. That is an important task for us to do. The toxic culture in ACT Health is not limited to bullying, intimidation and harassment. There may be corruption, too. A board of inquiry would need to examine that.

Just a week or so ago, I got an answer to a question from Minister Fitzharris that I put on notice about equipment having gone missing from Canberra Hospital. I was told in the answer that no equipment costing more than \$5,000 had gone missing. But I have it on what I would regard as very good authority from more than one source that equipment costing more than \$5,000 has gone missing—indeed, that it has been stolen. Added to the deed, there was extensive physical work done to cover up the path of evidence.

I wonder what Minister Fitzharris would think, and indeed do, if she discovered that the answer that was drafted for her signature was false. But for me, the question goes deeper. Is this just the tip of the iceberg? How much other false information has been given to Minister Fitzharris? A board of inquiry might expose the authors of that false information, but Minister Fitzharris wants to protect their personal and professional reputations.

And what of administrative corruption? How many jobs have been given to people not qualified to hold them? How many jobs have been re-engineered to fit a particular person's qualifications? I know of at least one, and there may be others. I know that both Minister Fitzharris and Minister Rattenbury have been apprised of the allegations in this case quite recently.

Then there was the letter that was sent to all members of the Assembly, as well as the media, in which claims of fraud were made in one service area of the Canberra Hospital. Do we need to protect the professional and personal standing of people who have been involved in this kind of behaviour, Madam Speaker? Minister Fitzharris seems to think so.

If we want a positive culture, a positive future for ACT Health, for its hardworking staff, for its long-suffering staff, for its patients and their families, and for the international and national reputation of ACT Health, we need to find the truth. In finding the truth, we need to set out a path of reconciliation. That path will lead to healing, the sort of thing that Minister Fitzharris says that she is interested in. Healing will not come about unless we identify the cause. A board of inquiry is not a witch-hunt; it is a way to truth, reconciliation and healing for our sick health system.

ACT Health is sick, and it is crying out for help. That is why a board of inquiry will provide help and healing. It is the view of the AMA, the ASMOF and the Visiting Medical Officers Association that this is the cure that ACT Health needs. The government has failed all of these groups for too long. It has failed the staff. It is not enough. I commend to the Assembly my motion for a board of inquiry to be established into ACT Health's culture of harassment and bullying.

MS FITZHARRIS (Yerrabi—Minister for Health and Wellbeing, Minister for Higher Education, Minister for Medical and Health Research, Minister for Transport and Minister for Vocational Education and Skills) (10.50): I would like to thank Mrs Dunne for bringing forward this motion today, as it provides me with the opportunity to clearly outline why the government will not be supporting a board of inquiry into the health governance structure, workplace culture and industrial practices of ACT Health.

Put simply, the issues raised and the initiatives underway to address them, and the independent external validation of ACT Health by the Australian Council on Healthcare Standards, demonstrate that a judicial process of this magnitude and seriousness, effectively a royal commission, is not warranted.

However, in recognition of a number of issues raised, and in further consideration of and in consultation with a wide range of stakeholders, I have announced that the ACT government will undertake an independent review of the workplace culture in the delivery of public healthcare services in Canberra. I will return to that shortly, but first I will outline why I believe that a board of inquiry, indeed a royal commission, is not necessary.

A royal commission into a workplace culture is simply not warranted. Matters of workplace culture are about leadership, governance and people. They are not matters that should be subject to the strongest of judicial powers. They are not matters that should subject people to cross-examination. They are not matters for which teams of lawyers, whether in public or private, should be allowed to cross-examine health employees about their work life. A royal commission would not protect people from vexatious claims potentially aired in public.

I believe calls for a full board of inquiry are misguided, as it would have the potential to seriously damage professional and personal lives—the lives of our health workforce—and not be a process of learning, healing and improving. And that is what I want to achieve here—not a witch-hunt but a process that delivers a positive workplace culture, recommendations for improvement and a process where people may be held to account for bullying or harassment.

As the peak body representing patients, the Health Care Consumers Association have said:

A Board of Inquiry tends to be steeped in blame culture. It is often adversarial and has a focus on past wrongs. We have been concerned about the rhetoric that some stakeholders want to see health department executives ‘grilled in public’. We do not see this as helpful and are concerned that this model could further undermine confidence in our health system. We want the review to look at causes and contributing factors to the current issues of workplace culture. We want staff to be able to identify the things that are getting in the way of them delivering safe and high-quality care to the people of Canberra and the region.

That last point is the most important point. What is the purpose of a review and what is the outcome that we all want to achieve? I would hope that we all want a review that gives us real recommendations about how we can improve. I have no doubt there will be some challenging recommendations and, as minister, I will face these head on, as I do every day in this job.

I have fronted up every day in this job to answer questions and be honest and up-front with the Canberra community about what needs fixing, and I will continue to do that. But I also have an enormous responsibility to the Canberra community to protect our community’s best interests and the best interests of our health staff.

A board of inquiry is in no-one's interests. It will not seek to heal and learn. It will be, as the Health Care Consumers Association have said, steeped in blame culture. People have expressed to me their serious concern about a judicial process—about whether they will need lawyers, or whether they can even afford lawyers. People should not need lawyers to participate in this process, but that is what the Canberra Liberals want to see.

This process should not have people defamed because of spurious claims made about them by their colleagues, or former colleagues, and then have no avenue for redress, other than to seek legal representation. The full force of a judicial inquiry is not warranted and has the potential to cause serious and unnecessary harm, including quite significant mental health harm to staff and to our health system. I do not want a process that causes more stress to our healthcare workers.

As for claims made by some stakeholders for only ACT Health executives to be questioned in public, I am surprised that this call does not recognise that ACT Health executives are called upon at least twice a year to attend a parliamentary committee hearing, most recently in June this year, at the budget estimates hearings, to be grilled in public by no less than the opposition health spokesperson. Are these stakeholders suggesting that the opposition are doing a terrible job when it comes to holding health executives to account? And we will be back again in October for annual reports hearings.

Our parliamentary system already has in place these processes to hold executives to account. Indeed, health executives and ministers are the only members of the health workforce that are required to do that. At our recent budget estimates hearings in June, in a full day of questioning of ACT Health officials, Mrs Dunne asked fewer than 10 questions about workplace culture and nothing about the need for a board of inquiry—nothing about what they now decide is such a serious matter that it should require a royal commission.

Despite claims to the contrary, a board of inquiry would not only grill high-level executives in public, as I doubt it would be only executives to which submissions referred. If issues were raised against non-executive staff, contract staff, senior clinicians, even nurses, junior doctors, cleaners, wards people, pharmacists or other staff, they may very well be called to a board of inquiry, too.

If you ask me, Madam Assistant Speaker, these calls are prejudiced, political and ill-thought-out. They do not seek to help staff; they only seek to help themselves. Mrs Dunne herself knows full well the existing powers of this Assembly to compel documents and witnesses, and for committees of this Assembly to hold inquiries to advance public and private hearings. At no point have the opposition used the processes of the committees to address these issues. At no point have they sought to use the range of measure available to this Assembly, of which Mrs Dunne is perhaps one of the greatest and most knowledgeable proponents. Fewer than 10 per cent of her estimates questions were about ACT health culture. But now the opposition want to have our hardworking nurses, midwives, doctors and public servants subjected to the full force of a royal commission into workplace culture.

Yesterday those opposite revealed exactly what they want out of this process. They want people to potentially be given jail sentences, they want people subpoenaed and they want a process where people will be threatened with perjury. This is not the process we need.

Further, and perhaps most egregiously, they have completely ignored the work of ACT Health staff in the past six months—work recognised by the Australian Council on Healthcare Standards as outstanding. They were very willing to refer to excerpts from the original accreditation report that was, as Minister Rattenbury and I have acknowledged publicly on many occasions, very disappointing.

But where were they when the final report was received? Nowhere. There was no acknowledgement of the hard work of ACT Health staff. There was no acknowledgement of the fact that the report provided ACT Health with unconditional accreditation for three years and also recommended that a number of processes they saw in ACT Health should be put forward for national quality awards. Have they even read the report?

The opposition have relentlessly attacked ACT Health this year. They have not even taken a breath to celebrate and congratulate ACT Health staff on their considerable achievements. They have sought to play politics at every turn. And played it hard they have. They should be ashamed of not acknowledging the work of ACT Health staff. And make no mistake, Madam Assistant Speaker; they notice this. They notice when our politicians do not support their hard work, and they remember.

Of course, I respect their role as the opposition, but at some point they will have to face up to their responsibility and make it clear what they are offering to the people of Canberra. So far, I am left wondering. Their MO is to constantly and persistently talk down the ACT health system, to make baseless claims about a “toxic culture”. They can, of course, raise issues. Many of the issues raised are serious, and many of these issues will be followed up, particularly through the independent review that I have announced. But they have persistently claimed that a toxic culture exists, for which there is no basis in fact. This has been verified by an independent body as recently as July of this year. They are wreckers—complete wreckers.

For these reasons the government will not support this motion today. A board of inquiry is not warranted. I firmly believe it would not be of benefit to staff, nor to their patients. I instead move an amendment that recognises the work done to date and outlines the commitment I have already made to an independent review. I move:

Omit all text after “That this Assembly”, substitute:

“(1) notes:

- (a) ACT Health has been granted full accreditation from the Australian Council on Healthcare Standards (ACHS) for a maximum period of three years to 30 July 2021;
- (b) this accreditation result followed a disappointing preliminary accreditation report from the ACHS in March 2018;

- (c) the examples of commentary from ACHS in its final accreditation of ACT Health include:
 - (i) ‘the engagement and ownership of the problems and solutions to the recommendations by staff at all levels was clearly demonstrated to the surveyors’;
 - (ii) ‘systems and processes put in place over the last few months, will assist staff and the leader’s confidence to drive towards excellence and safety in all patient care services’; and
 - (iii) ‘Over the past few months the organisation has changed dramatically, implementing sustainable systems and processes that provide direction and strong governance from both a corporate and clinical governance perspective. The surveyors would like to acknowledge the extensive work done by the staff across ACT Health plus the leadership to achieve this result. They demonstrate commitment and focus to drive sustainable positive change in the culture of the organisation.’;
 - (d) the continued commitment of all staff across ACT Health to delivering high quality health care to the Canberra community;
 - (e) ACT Health is progressing towards separation of the organisation into two entities from 1 October which will further support the organisation to deliver high quality patient care and a positive staff culture;
 - (f) the Australian Medical Association ACT’s call for a board of inquiry into ACT Health with the support of the Australian Salaried Medical Officers Federation and the ACT Visiting Medical Officers Association; and
 - (g) the substantial cost of a full board of inquiry (or royal commission) to Government and to those appearing before such an inquiry;
- (2) further notes:
- (a) that the ACT Government has announced an Independent Review into the workplace culture in the delivery of public healthcare services in the ACT and that:
 - (i) the ACT Government has made commitments that the review will be independent, people who wish to come forward will be protected, and that a final report will be made public; and
 - (ii) the ACT Government is finalising a Terms of Reference and members of an independent panel and will make further announcements in the immediate future;
 - (b) the ACT Government has also announced the establishment of a Clinical Leadership Forum for clinical leaders to advise on health services planning and infrastructure, clinical culture, and training and education;
 - (c) the Minister for Health and Wellbeing has engaged with a wide range of stakeholders and individuals regarding the Independent Review;
 - (d) the support of a range of health care leaders, stakeholders and representative bodies for the Government’s Independent Review; and
 - (e) the purpose of the Independent Review is to provide clear recommendations to improve workplace culture in the delivery of public health care services to the ACT community; and

(3) calls on the Government to:

- (a) finalise and announce the terms of reference and appointment of Independent Review members by the end of September 2018;
- (b) ensure that appropriate protections and privacy arrangements are in place for those participating in the Review; and
- (c) make public any findings and recommendations of the Review.”.

I note that the motion calls for the board of inquiry to be only into ACT Health. The independent review that I have announced will actually go further, in recognition that public health care is delivered by other organisations. As such it will include the delivery of public healthcare services within Calvary Public Hospital. Staff there should be given this opportunity as well. I believe an independent review is the best way to achieve the outcomes that all stakeholders seek to achieve. It will be the best way to respect our staff and the staff delivering public health care every day in Canberra.

I have a responsibility to take all of these matters very seriously, to weigh up the issues and to seek frank and thoughtful advice from a range of people about these matters. I do this every day in my job but especially following the conversations I had with the AMA ACT branch before I announced the independent review last Monday.

I have received support not to hold a board of inquiry from a range of organisations, including the Royal Australasian College of Surgeons—a widely respected leader in the field of workplace culture in the medical profession—the royal college of nurses, the Australian Nursing and Midwifery Federation, the Health Care Consumers Association, and a range of others who have spoken publicly. I have also received many offers of assistance and advice, and I thank everyone for those. I have heard from staff who wish to raise matters and I have let them know that they will be able to do so.

As many have said over the past week, many staff and stakeholder groups welcome an opportunity to have input into an independent process. They want to get that done in the safest way, and get back to their jobs of healing and caring. They want the report to be made public and the government to respond. That is exactly what we will do.

I have received advice and representations from a wide group of people, and that advice has been brought together. And we have had conversations with public healthcare leaders around the country about participating in this process. I said yesterday, and I will say again today, that the independent panel and the terms of reference for the independent review will be announced in the coming days.

In this conversation staff delivering public health care across Canberra are our most important stakeholders right now, and we owe it to them to get this right and to hear from them how they can be part of this process. I also reflect on the words of the former ACT independent health minister in a previous Liberal government, Michael Moore, who, this week, in an article titled “Why Health doesn’t need an expensive check-up”, said:

Of course there are problems, but they can be uncovered and addressed. The process must not undermine the commitment and work of so many of our wonderful nurses, doctors, allied health professionals and other staff that work so hard to ensure the ACT and region has outstanding health care facilities.

Change is possible. Where problems are identified they can be improved. However, this can only happen if there is a positive culture of respect and a willingness to address specific issues.

The ACT has its own unique challenges and opportunities, just like every jurisdiction. I have worked hard as minister to understand these issues by talking with a very wide range of experts—doctors, nurses, allied health staff, partner organisations and stakeholder groups across the city, consumers and patients in our health system, and to understand the challenges and opportunities that they see.

Given these issues, I have been taking a serious and strategic look at the health of our system in the context of our growing city and the challenges and opportunities faced in health. Some of these include a growing and ageing population, and an increasing burden of chronic disease. Among the opportunities there are extraordinary advances in technology and innovation, research findings and an increasingly engaged, well-skilled and collaborative health sector.

We have much to be proud of and confident in, and we have some things to improve. This year has certainly been a difficult year for ACT Health, but it has also been a turning point, for a number of reasons.

I would like to take this opportunity to reiterate some of the strategic changes that are taking place and some of the achievements of ACT Health and public health care in Canberra this year alone. Strategically, we have made a significant shift in planning for truly territory-wide health services, from the territory-wide health services planning work and territory-wide health infrastructure planning, to negotiating a new strategic agreement with Calvary.

We have made significant changes in governance and leadership in the organisation. On 1 October ACT Health will separate into two organisations. I have spoken extensively about this and will continue to do so. Importantly for the delivery of public health care, one organisation, Canberra health services, will be dedicated to clinical service delivery—a modern, streamlined organisation to focus entirely on clinical services and let our clinicians get on with doing their best job.

The other organisation, the ACT Health Directorate, will focus entirely on what is an increasingly complex health system, drive system-wide approaches, collaborate across the private and community health sector, ensure effective engagement with state and commonwealth governments, and ensure that the ACT meets its increasingly complex reporting requirements.

This is part of the journey of strategic change we are making to ensure our health services remain contemporary and effective and that we have the right governance

structures and leadership in place to make sure people get the health care they need, where they need it and when they need it.

As I said, it has been a big year for health care in Canberra. We have had so many huge achievements, and just some of these include opening the University of Canberra Hospital, opening the Gungahlin walk-in centre, creating a new medical and research portfolio, and just last week signing an MOU between ACT Health, the ANU and Australia's pre-eminent cancer centre, the Peter MacCallum Cancer Centre.

In this year's budget we funded 72 more public hospital beds, more elective surgery to get more people off elective surgery waitlists, and we funded more emergency surgery. We completed the data review and funded the data warehouse. We completed the quality strategy, which was noted as excellent by the Australian Council on Healthcare Standards. We achieved the full three-year accreditation of ACT Health. We funded the MoST trial, to open up clinical trials for Canberrans right here in their own city. We opened a completely refurbished geriatric ward at Canberra Hospital. We funded free meningococcal ACWY vaccinations for Canberra's teens and free flu vaccines for kids under five.

We added more beds and a major upgrade to Calvary's public maternity ward. We opened new operating theatres at Calvary Public Hospital. We signed a new framework for collaboration with Calvary Public Hospital. (*Extension of time granted.*) We signed an MOU with nurses to work collaboratively on a nurse-patient ratio framework. We have identified a location for the Weston Creek walk-in centre and we have significantly expanded hospital in the home. And there is more to come.

To build on the achievements to date, as I have said, I have announced the establishment of an independent review into the workplace culture within ACT public health services and I have also announced the establishment of a clinical leadership forum. Both these initiatives are designed to complement a broader package of initiatives being implemented by the executive within ACT Health, all of which are aimed at further improving workplace culture. I intend to provide the Assembly with further information about these particular initiatives in our October sitting week.

As stated above, I have given careful consideration to the views put forward and I genuinely do not believe that a board of inquiry is the right mechanism to be used in this instance. The main purpose of the independent review will be to elicit information to enhance cultural improvement and identify weaknesses. It is not a forum for grievances or vengeance.

I also acknowledge Minister Rattenbury's comments on 1 August in the Assembly in the debate when responding to the opposition's first call for a board of inquiry. Minister Rattenbury spoke about the fact that the Liberals' call for a board of inquiry focused a lot on past issues and did not recognise work that has happened over recent months or the many positive changes occurring in ACT Health.

I absolutely acknowledge these issues are serious, but I am optimistic about the changes that are happening in ACT Health. They are positive for both workplace culture and patient outcomes. I am dismayed by the public debate, which is genuinely

not reflective of the everyday heroism we see across our public healthcare system, of lives being saved, of compassionate, skilled and loving care provided by so many.

I am not interested in a trial by media either. As minister, it has been deeply troubling for me to see ACT Health staff repeatedly criticised over and over about workplace culture issues in the ACT public health system. It is important to me to put in place a process—a safe process—to see this brought to a conclusion and extinguish the politicising of the issue as quickly as possible.

None of this is constructive or healthy for our staff or for our community. Yes, I have been contacted by people who wish to raise concerns, and I follow up on every one of those. I have also repeated the many processes in place within ACT Health that currently exist. I note two new processes have been implemented in recent times: one to work with the Health Services Commissioner for a process independent of ACT Health for staff to raise issues; and one, announced last week by the director-general, of an ACT Health staff advocate.

But equally I have been contacted by many people who are dismayed about the coverage they are reading and the public debate. It does not, in many, many cases, reflect the care they received or the incredibly powerful stories of teams of doctors, nurses and allied health staff coming together to work with patients and families.

These issues now need a safe process for everyone, no longer played out in the gaze of the media and the gaze of the Assembly—a safe process for everyone. And a safe process is what I have announced. A range of legal protections will exist to support people who are engaging in this review of workplace culture in ACT public health service delivery. As I have said, I will have more to say about this in coming days.

The significant funds—potentially tens of millions of dollars—that would be required to support a legalistic royal commission would be better spent on providing critical health and other healthcare services to our community. We can better spend this money on nurses and doctors, getting more people elective surgery and actually improving and saving lives, rather than on a stack of lawyers.

I have received representations from many important professional associations and prominent individuals from within our healthcare system who have told me they are opposed to a board of inquiry approach. To quote from some correspondence I received late last week:

Crises, shortcomings, instability and uncertainty have without a doubt been all too familiar descriptors applied to the ACT Health workplace and events over the past few years. They make for a far better story than the successes, milestones and achievements that have simultaneously existed but are often less “newsworthy”.

This impacts an already stretched health workforce with the risk of resources being disproportionately refocused to address issues surrounding the publicity.

For this reason, we do not support a judicial inquiry into workplace culture within ACT Health.

To reiterate, the independent review that I have proposed will be one of learning and healing and looking at how we can address any systemic issues in a meaningful way. It will not be a witch-hunt or a mechanism to publicly scrutinise only a small portion of our workforce. The independent review will be about the entire ACT Health workforce. All staff across the workforce have a right to feel safe, supported and heard during this review process, regardless of the position they hold.

The government is committed to moving forward quickly with an independent review and working in a meaningful way to improve the culture within ACT Health public services. It is about the health of our workforce, the health of our system and ultimately the health of our community.

As I have said, I have always been honest with the Canberra community that there are challenges we face in Health and that there are some things that must be fixed. And I have got on with the job of addressing these issues while at the same time delivering on the government's commitments to deliver high quality healthcare.

I wish to close by providing you with some additional words provided to me by a professional association this week. I hope these words resonate with the opposition and indeed anyone listening to this debate today. They say:

There are many dedicated, passionate leaders within ACT Health, clinical and administrative, who are ready to take up the challenge of ensuring positive culture reform and a sustainable, appropriately resourced health system now and into the future.

They need to be recognised and empowered to get on with the task. With growth and change comes risk. And no matter how much risk assessment, there will be failures.

With failure comes opportunity to learn and improve, build and reform, ultimately to excel. This must remain the focus.

MR HANSON (Murrumbidgee) (11.12): I commend Mrs Dunne not only for bringing this motion to the Assembly today but for the outstanding work that she is doing in standing up for the staff who ultimately are the victims of bullying within the system. I know that Mrs Dunne cares passionately about that and I absolutely reject the assertion from the minister that this is anything other than a concern that Mrs Dunne and the opposition share for the countless victims of bullying within ACT Health. To characterise this as otherwise is disingenuous and is a smear not just on us but on the hundreds of doctors represented by the AMA, the salaried medical officers and the visiting medical officers that have called for this inquiry as a result of what they see at the front line, the coalface, of the health service.

It is also important that we go to this motion after the concerns that I have following yesterday's question time, when a series of legitimate and important questions were, at best, characterised, I think, as ducking and an inability to provide details by the minister about this serious issue. For those watching, for those listening to question time yesterday, it would send a chill down the spine of every member in the health

system. This is one of the most important and challenging issues facing the ACT government and simply saying, “I do not know,” to a series of questions is not an adequate answer.

Let me recap. Yesterday, when the minister was given an opportunity to demonstrate why we do not need a board of inquiry the minister failed. My colleague Mr Wall pointed out that the Inquiries Act 1991 had strict rules around the misuse and disclosure of information obtained as part of an inquiry and that breaching these rules incurs serious penalties including jail sentences.

According to the *Canberra Times*, which I would concur with, Ms Fitzharris in her response was tight-lipped. And that is true. We did not get a substantive answer. Question time got worse, to the point of being farcical. When my colleague Mrs Dunne asked how witnesses providing any sensitive information would be protected if there were no rules against misuse and disclosure, the minister simply said:

I refer Mrs Dunne to my previous answer.

Mrs Dunne: Which was a non-answer.

MR HANSON: Which was not actually an answer. I then asked whether a proposed inquiry would have the power to compel witnesses and the minister said:

I refer to my previous answers.

If those previous answers had actually given us an answer then that would suffice. But you cannot fail to answer a question and then just respond by saying:

I refer to my previous answers.

There were questions put forward about protections for witnesses, the misuse of information, inappropriate disclosure and the powers to compel witnesses and whether they should be under oath. Again, the minister had no answer.

It got worse. We noted that under the Inquiries Act the proceedings of a board of inquiry are taken to be proceedings of public concern under the Civil Law (Wrongs) Act 2002. We asked what protection for public reporting will be guaranteed under the proposed inquiry. Again the response was:

I refer to my previous answers.

We asked a series of questions about what protections would be provided as immunity and whether board members of the proposed inquiry or review will receive the same protection and immunity as that provided under the Inquiries Act. Again the response was:

I refer to my previous answers.

There are a whole series of questions about legal powers and protections that remain unanswered. I will not go through the full litany of questions we asked yesterday and the failure of the minister to respond. But they were extensive and that, indeed, raised the attention of the media in this town following question time.

It is no wonder, then, that no-one trusts this government or the minister to deal with this properly and behind closed doors, as she is proposing. We have seen this before, this form of cover-up. And I certainly recall this. I was the shadow health minister when there were serious issues raised by the community, by health staff and by representatives of those staff that led to calls in this place for an inquiry. The minister at the time, Ms Gallagher, then said, “Yes, and the results will all be published. You’ll get a copy of everything. The results will be published.” That did not happen.

What actually happened was that the minister then used the public interest disclosure model to say, “I can’t give you any information,” and the whole thing was covered up. It is a reality after a series of hidden reviews, a failure of those reviews that have happened over many, many years, to actually address the issues and clearly they have not.

There are the repeated calls of doctors, as represented by all those groups, that it is only a board of inquiry that will provide the full protection and proper powers to actually solve this problem—assuming that that is what we want to do: solve the problem rather than cover up the problem, as has been done by ministers of this government before.

Importantly, what it does, under the powers of the board of inquiry, is provide an option for hearings in private and for those hearings to be protected. There is no need for witness to “lawyer up” and they can tell their stories with full legal protection. And that is so important.

Although the Australian Nursing and Midwifery Federation have not agreed there is a need for a board of inquiry what they have said in the paper today, and I quote from Matthew Daniel from the ANMF, is that there “had to be provisions in place to protect nurses who give evidence”.

These are the sorts of questions that we were asking yesterday. If not under a board of inquiry, what will be the legal instrument to provide those protections? We have not got an answer. What the minister says is that there will be a review. But everybody now—the doctors’ groups and the nurses’ groups—is demanding answers about what protections will be provided for those members who want to come forward and say, “I was bullied.”

I will say it again. There have to be provisions in place to protect nurses who give evidence. We repeatedly asked yesterday, “What will those protections be? What will the legal instrument be? How will that be done, if not done through a board of inquiry?” We still do not have those answers. What nurse, what doctor, what allied health professional, what other member of the health system who has been bullied is going to come forward to this quasi review, this quasi inquiry, what is clearly a

cover-up, and say, “This is what has happened to me,” without those protections? When we ask the minister what those protections are she fails to give us the answers repeatedly.

No wonder the doctors’ groups have all lost faith, because they realise that they have seen it before—and we have all seen it before in this place—that without a board of inquiry what we are going to see is another cover-up and what we are going to see is nurses, doctors and other staff at that hospital too scared to come forward to actually present what has happened to them, because they know that this is a cover-up. They know that this minister is not serious because if she was serious, if she was committed to actually providing the conclusion, the solution, the resolution to what has been an ongoing problem for many years, then she would recognise what the doctors are saying: it needs an instrument, a legal instrument, that can actually provide all the protections and the other powers necessary, as are provided by a board of inquiry.

I will conclude where I started, and that is to say that the outrageous suggestion that the doctors’ groups, the opposition and indeed the nurses’ union saying that we need protections, that we need proper powers for such an inquiry, is somehow an attack on staff is utterly outrageous. The main purpose of this is to stop the bullying that is occurring (*Extension of time granted.*)

For the minister to use this as an excuse to try to cover this up, to bury this and use it as a classic political tactic, which is when you find yourself in an indefensible position, then to just attack those that are coming forward to try and resolve this issue—and that is what the minister does in attacking the opposition, in criticising our position, which is the same as that of the doctors’ groups—she is indeed not just smearing and attacking Mrs Dunne and members of the opposition but discrediting those doctors that have bravely come forward and called for this review.

I congratulate Mrs Dunne for not just this motion but the work that she has been doing. I know how difficult it can be to hear some of the stories about bullying. I know that it is difficult because we are up against the machinery of government. We are up against the ministers and their Greens allies, their coalition partners, who will do everything possible to prevent the light being shone on the problem within ACT Health because they are far more interested in the cover-up, in the protection of their own jobs and their own hide and their own reputations than they are in resolving this issue. Shame on you and, again, well done, Mrs Dunne, and keep up the good fight.

MR RATTENBURY (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (11.24): From the very start, I think it is appropriate to reiterate my previous comments that the ACT Greens and I, in my role as a minister, have a zero-tolerance approach to bullying and that all allegations of bullying must be dealt with appropriately and respectfully.

With an organisation as large as ACT Health, we cannot deny that cases will arise where people will behave inappropriately. With more than 7,000 people in our organisation, it is inevitable that some of those humans will demonstrate human frailty.

In that vein, we cannot and do not deny that there have been instances of bullying in our health system.

We support a proper, independent process to look into these matters, to provide an opportunity for staff to be heard and to have their complaints dealt with. We need an inquiry that will examine whether these issues are systemic or cultural and that will provide recommendations on whether we can improve our policies and processes to prevent this from happening in the future.

Mrs Dunne and some of the leaders in our medical community have formed a view that the appropriate response to these concerns is a board of inquiry. As we have heard, other leaders in our medical community have a different view. Having weighed up the various perspectives and options before us, the Greens do not support a full board of inquiry. We believe that the inquiry proposed by Minister Fitzharris is the appropriate mechanism to deal with the concerns raised.

There is no denying that there have been a series of disappointing and concerning revelations over the past six to 12 months that have been reported out of ACT Health. I also understand that some people have aired grievances and issues that go back further than that, particularly in relation to organisational culture. I believe that, despite some recent issues, ACT Health is heading in the right direction and that what is best for the organisation is to provide an independent process of inquiry that is conducted with integrity and also allows the organisation to move forward in a positive and productive way.

I do not believe a board of inquiry will provide this sort of positive and unifying experience for the organisation and I believe it will take significant time and resources that could be better invested in a range of other activities and services for the people of Canberra and for the development of ACT Health as an organisation. I believe it is possible to have a process that is independent and trusted and allows for both public and private hearings to make sure staff are heard and issues are not swept under the carpet.

I will touch on that point of public and private hearings. I think we need to give the independent inquiry the ability to do both. This is a discussion that has been had at some length through the committee process looking at an independent integrity commission for the ACT. I have been involved in extensive conversations in that space and I think what has come from that conversation is a recognition that there is a time and place for both, that it will depend on the nature of the evidence being brought forward, the nature of the witness and the nature of the person being alleged against. I think it is appropriate to authorise and empower an inquiry to consider what is in the best public interest, to make that consideration. That is certainly the way the recommendation was framed out of the independent integrity commission committee process. I think that that is the right way forward.

We will put people in charge of this inquiry process with a suitable degree of independence, and we need to trust them and empower them to make these judgments in the best interests of the respective witnesses, the nature of the evidence being put forward, the nature of the allegations, the credibility of the allegations and the weight

of the allegations. These are the sorts of things that we cannot sit here and prejudge in this place. I think that is the appropriate way to proceed when it comes to the matter of public or private hearings. I anticipate that if that authority and that empowerment is given we will see a mixture.

There will be some witnesses who will come forward and ask to give their evidence in camera. That will need to be judged and then, after the fact, those conducting the inquiry will need to form a view as to the evidence that has been given and how they then treat it, given that the person giving it sought to give it in private, or in public as the case may be.

I strongly support the need for appropriate privacy and confidentiality protections as part of the process so that staff can feel comfortable coming forward and sharing their experiences freely and honestly. I believe that the right balance between the needs for both transparency and confidentiality can be best met through an independent inquiry process. I also believe that it is fundamentally important that the final report of the inquiry is publicly released and that the government responds to that report in a timely manner and then continues to report on its progress against those recommendations.

All of these features can be achieved through an independent inquiry in a way that ensures our health workers and the Canberra community can have faith in the process and the outcomes and in a way that ensures there is transparency around what changes have been made as a result.

It is important to acknowledge that while some in the medical community have been vocal in their calls for a board of inquiry, it is not a unanimous view. As Minister Fitzharris noted in her earlier remarks, the Royal Australasian College of Surgeons, the Health Care Consumers' Association and the Australian Nursing and Midwifery Federation, or the ANMF, have all taken positions that, while a review is needed, one at the level of a board of inquiry is not warranted.

It is also important to acknowledge that, while the initial accreditation result earlier this year was disappointing, the work done to remedy those issues in the following months is a credit to the hardworking staff at ACT Health. The accreditors noted significant improvements to both governance and culture in their final report. While this does not negate the need for an independent process to deal with existing complaints, it does suggest that the organisation is moving in the right direction.

The ACHS final report noted that the staff at ACT Health:

... demonstrate commitment and focus to drive sustainable positive change in the culture of the organisation. They have moved from a fragmented divided organisation to one of cohesion, teamwork, focused on what is best for the patient and the organisation to achieve great outcomes for all Canberrans.

I was particularly pleased to see such a strong acknowledgement of improvements made by our mental health staff through the accreditation process. The accreditors highlighted and complimented the mental health division for "adopting, innovative approaches to creating a sustainable system of the production of timely patient discharge summaries" as well as addressing ligature risks and improving handover

processes. This is not to discount that there are a number of unresolved issues that still need to be addressed. But it is important that we do not lose sight of the improvements that have happened at ACT Health in recent times and that we give our staff due credit for that work.

Of course, culture is something that is built up and embedded in an organisation over years, especially in an organisation of the size and complexity of ACT Health. Shifting this culture is not something that can happen overnight. It will take time. Both the Minister for Health and Wellbeing and I are committed to this process of cultural change. That is a commitment also shared by the new director-general. Leadership is fundamentally important to setting the culture of an organisation. I have full faith in a newly appointed director-general, Michael De'Ath, to lead ACT Health through this challenging period. The government's commitment to an independent inquiry is also part of this process of cultural change.

As I said previously, I do not believe a board of inquiry is the best approach for bringing about the positive cultural change that ACT Health is already working towards. For this reason, and others that I outlined earlier, the Greens will not be supporting Mrs Dunne's motion and the calls for a board of inquiry into ACT Health. Instead I am committed to working with Minister Fitzharris to make sure the process for the independent inquiry is rigorous, transparent and conducted with integrity.

In coming to this decision I have reflected on the best approach for ACT Health staff, for the organisation and for the Canberra community. I recognise that those who have been publicly advocating for a board of inquiry share the desire for a good process and a positive outcome. I respect their passion and commitment to improving our health system. I hope to continue to work with all health stakeholders, both through the independent inquiry process and following, it to ensure that we get the best possible outcome and that this process can lead to real and positive change.

I want to take this opportunity to thank all the hardworking staff at ACT Health for their commitment, their dedication and, frankly, their resilience, particularly over the past few months. I acknowledge that for some staff it has been a difficult period. I believe that the hard work over recent times will deliver better outcomes for the organisation, for patients and for staff in the long run.

I believe that both the independent inquiry process and the separation of ACT Health into two organisations will be important contributors to continuing to improve the performance of our health system. ACT Health is already moving towards becoming an organisation with a positive culture and the right governance structures to best support its staff and patients.

We know that there is more work to do. The government will continue to work with staff and health stakeholders to facilitate this process. The Greens will be supporting Minister Fitzharris's amendment to the motion, as we believe this will provide the best avenue for positive change in the culture at ACT Health.

MS FITZHARRIS (Yerrabi—Minister for Health and Wellbeing, Minister for Higher Education, Minister for Medical and Health Research, Minister for Transport

and Minister for Vocational Education and Skills): Under standing order 46, I seek leave to make a personal statement on comments made by Mr Hanson where I believe I was misrepresented.

Mrs Dunne: You have to use standing order 47, not 46.

MS FITZHARRIS: To make a personal explanation—

MADAM ASSISTANT SPEAKER (Ms Cody): I thought you said standing order 47.

Mrs Dunne: Standing order 46 happens after the debate.

MS FITZHARRIS: Under standing order 47, I seek leave to be heard again to explain where some material part of another member's speech has been misquoted or misunderstood.

Leave granted.

MS FITZHARRIS: Thank you for your guidance, Mrs Dunne and Madam Assistant Speaker. In the debate, a very important debate, Mr Hanson, I believe, claimed that I was proposing a private and closed-door hearing. I reiterate the comments I made yesterday and in my speech just now, and comments that I have made publicly, that all the matters raised I am taking under very serious consideration: those outlined by the opposition and those summarised by Minister Rattenbury. These matters remain under consideration by me in the most serious manner. I will make further announcements in the coming days on the final terms of reference for this independent review, based on the many pieces of advice that I am receiving.

I have made commitments that it will be independent, that people will be protected and that a final report will be made public, and I have not ruled out public hearings. Each of these things I have said publicly and I will say again. I have not refused to answer questions. I am taking all of these matters under the most serious consideration. I reject any assertion that I do not know the answers to these questions. I am weighing these up. And I reiterate that I will make further announcements in the coming days about the terms of reference and the independent panel to conduct this very important review.

MRS DUNNE (Ginninderra) (11.36): This is an important issue, and if you listen to the words there is pretty much unity. Mr Rattenbury has said—and I wholeheartedly agree—that this review, whatever it is called, must be independent, conducted with integrity and have a positive outcome. I have used the term, in discussing this around the place with people, that it needs to be to some extent like truth and reconciliation, but you cannot do that necessarily behind closed doors. It is encouraging that the minister has now not ruled out the possibility of public hearings.

It is possible that we may get to a stage where we have a structure not unlike the royal commission into institutional child abuse, where much of the evidence was taken in private, where people's identities were protected and then the issues were exposed in public hearings, essentially as case studies in particular areas.

The problem with the minister's approach is that there is no legal underpinning. There are two mechanisms that I know of—and I stand to be corrected; there are lawyers in this place and I am not one of them—that would give a legal underpinning to an inquiry, a review, call it what you want. Those mechanisms are through the Inquiries Act or public interest disclosure provisions. Public interest disclosure provisions we know do not work because of the privacy issues around those; it is a very fraught piece of legislation.

The minister is fighting, kicking and screaming—she does not want an inquiry under the Inquiries Act but she has boxed herself in. She is saying it is not warranted, that everyone has to lawyer up. It does not have to work like that. The example we have of how a board of inquiry under the Inquiries Act would work is an inquiry into the health system. We have already had an example and that was the Gallop inquiry.

The Gallop inquiry, interestingly enough, was proposed principally by the ACT Greens. The ACT Greens member in this place at the time, Kerrie Tucker, was the principal proponent of the board of inquiry into mental health systems which was eventually conducted by retired Justice Gallop and others. Back in the days when the Greens were not in bed with the government, they were prepared to use the mechanisms we had to get a great outcome,

I worked for the government that was opposed to that. I have been on both sides of the argument, but there is no doubt that the Gallop inquiry brought about appropriate changes to mental health services in the ACT back at the turn of the millennium. These were important things, and they were done because the Greens were prepared to man up and stand up to the government, which they are no longer prepared to do.

As was expected, Minister Fitzharris moved an amendment, and as was expected she moved it after I got to my feet. Again, it shows a lack of courtesy. This minister has become a serial offender in that space of waiting until people are on their feet before moving amendments.

She has said repeatedly—and she repeated it today—that a board of inquiry is not warranted and would not be the process necessary to get to the bottom of these issues. But she is left scrambling to find an alternative. She says she will announce an alternative in the coming days. I have predicted already that the minister will announce this after 3 o'clock on Friday, after question time, so she cannot be questioned in this place, and as the media is going to bed, essentially, at the conclusion of the working week. I challenge the minister not to do that. I challenge the minister to be up-front and not make this announcement in the putting-out-the-trash mode that I expect is likely to happen. I hope to be pleasantly surprised about this.

The minister spent a lot of time saying that I have been unfair to the health system because I did not extol the virtues of them finally obtaining accreditation in July. My principal complaint has been: why was the health system not prepared enough to obtain accreditation the first time, in March? It is not as though this was a surprise visit; it was planned for. They were prepping for it. But they failed 30-plus of the provisions, and that is why they had to come back and have another go.

We should not be extolling the virtues of people who did not succeed the first time, when they were prepping for a long time in advance. It was a failure of the system and a failure of the minister in her oversight of an organisation that should have been prepared. Hospital accreditation comes around every three years—we know about it. They should have been ready.

The minister says this process will bring about more stress. That is, sadly, inevitable. There will be more stress. No matter what sort of inquiry we have, there will be more stress. But we do not have to have what the minister has described as everyone having to lawyer up. I do not believe everyone has to lawyer up. What people need is protection.

How will Frank tell his story and not be further bullied? I saw the minister on TV last Monday, when she was asked that question, and she gave the commitment that people would not be further victimised. But she has not said how that will be brought about. She needs to say how that will happen. It is not enough to say it will not happen. We have been saying we have zero tolerance—we can see Mr Rattenbury wringing his hands every time he says we have zero tolerance—we have respectful pathways. It is not enough to say it; we need to have more than that.

The minister criticised the Liberal opposition for saying we wanted people to be convicted of perjury. I will ask the other question: is the minister satisfied that people might perjure themselves, that people might tell untruths before an inquiry? The obverse of being potentially convicted of perjury is that if you do not have those protections it is open slather for people to misrepresent what has happened.

A lot was said about what the Liberal opposition has and has not done. I was criticised for fewer than 10 per cent of my questions in estimates being about bullying and harassment. I will go back to some of the questions I asked. I raised questions about anonymous letters that raised serious issues. I asked about those things in a way that was cognisant of the fact that these were anonymous letters.

I am not going to name names and accuse people on the basis of anonymous letters, but I am going to raise those concerns. Mr De'Ath told the estimates committee that he was aware of those issues and that they were under review. (*Extension of time granted.*) I have subsequently received a letter from Mr De'Ath, who says blandly that those matters have been reviewed. The estimates committee does not know the outcome. The estimates committee no longer exists.

I asked questions about maternity, and we were told by the head of the women's and children's hospital that staff in maternity are under unrelenting pressure. That was her phrase—"unrelenting pressure". I did not make that up; I have not verbed her. They were her words. This is why the Liberal opposition has come to the conclusion that we need a board of inquiry.

It is not that we want a royal commission, but if you are going to have an inquiry you need to have protections. You need to be able to call for documents. You need to have the capacity to have in-camera hearings and open hearings, to protect witnesses, to

make recommendations and to have the capacity to have them charged with perjury if people are found to have misled the inquiry. All of these things are protections.

The Canberra Liberals started out with this view, and along the way a whole lot of people have joined us on this path. Most of the major doctor organisations have joined us. The *Canberra Times* has joined us. And, even if they do not recognise it, the ANMF have joined us on this path because the ANMF are more concerned—as they should be—about how to protect their members, and nothing the minister has outlined provides protection to their members.

The minister is doubling down on, “I don’t want a board of inquiry. I don’t want a royal commission,” rather than thinking about the extent to which that has to be a formal wig and gown, lawyered-up arrangement or whether it can be more informally done and the wigs and gowns are only brought out when necessary, in the same way that it was done by the royal commission into institutional child abuse.

The minister says there are safe processes and that she takes time to follow up. I have seen some of the follow-up. Most of the follow-up the minister does it to write letters to people providing them with a shopping list of how they might address bullying and harassment in the workplace. I have seen the shopping list, and it does not provide members of the public and staff of the hospital with the guarantees of safety they need.

I want to put on the record that at no stage have I sought to exclude Calvary hospital from this process. This has always been couched in terms of an inquiry into ACT Health, and Calvary Public Hospital is an integral part of ACT Health. It is axiomatic that these inquiries should cover Calvary hospital. It is the beneficiary of a \$200 million-plus contract every year from the ACT taxpayers. As a great and long-time supporter of Calvary hospital it gives me no pleasure to point out that Calvary hospital is as worthy of inquiry in this regard as the Canberra Hospital. I have never sought to alienate Calvary hospital from this inquiry.

What we have heard today is both ministers saying that we need to have a respectful inquiry. There is no doubt about this. This is not a witch-hunt; this should be the beginning of a proper inquiry that brings about real cultural change over time. It might sound all a bit warm and gooey, but truth and reconciliation is what we need. We need people to come to the realisation that in certain circumstances their behaviour has been inappropriate.

There may be people who have behaved fraudulently. There may be people who have stolen, and there may be the necessity to refer some people for charges. For the most part, in relation to bullying and harassment, the resolution for that is admission of failing and, hopefully, forgiveness. That is how you create a culture.

We cannot create that culture unless we are prepared to open it up, as the *Canberra Times* and the AMA have said, to the disinfectant of sunlight. Private hearings by themselves will not be enough, and we need a guarantee that all of the findings are appropriately dealt with and brought into the public domain at some stage. That is what we are calling for, and if you listen hard to what the ministers have said today they are in furious agreement. They just do not want to use the Inquiries Act. But

I submit again that the Inquiries Act is the only legal instrument we have at our disposal that will allow this to happen appropriately.

I commend the motion. The Canberra Liberals will not be supporting the amendment circulated by Ms Fitzharris.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 11

Noes 8

Ms J Burch	Mr Pettersson	Miss C Burch	Ms Lee
Ms Cheyne	Mr Ramsay	Mr Coe	Mr Wall
Ms Cody	Mr Rattenbury	Mrs Dunne	
Ms Fitzharris	Mr Steel	Mr Hanson	
Ms Le Couteur	Ms Stephen-Smith	Mrs Kikkert	
Ms Orr		Ms Lawder	

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

Music education—funding

MS LEE (Kurrajong) (11.57): I move:

That this Assembly:

(1) notes that:

- (a) the ACT Government has withdrawn funding from the H Course in music from 2019 with no explanation and no alternative for students who, for 35 years, have relied on this pathway to a career in music;
- (b) the H Course offers an advanced music program for year 11 and 12 students run by the Australian National University's School of Music and funded by the ACT Government;
- (c) music teachers, music practitioners and music administrators in classical and jazz music started their careers through this program;
- (d) H Courses are designed and accredited by an Australian higher education provider and successful completion of the course is recognised towards an undergraduate degree with that provider; and
- (e) H Courses may contribute to the student's ATAR calculation; and

(2) calls on the ACT Government to:

- (a) restore the \$275 000 annual support for this course; and
- (b) provide assurances to students in the other 12 H Courses that their programmes are not under similar threat of closure.

Canberra is very well served by a wide range of cultural organisations. In music we are especially well endowed. We have the Canberra Youth Orchestra, the Canberra Symphony Orchestra, the National Capital Orchestra and the Maruki Community Orchestra, not to mention the numerous choirs that call Canberra home and the depth of talent in our schools, many of which have their own jazz bands, brass bands, ensembles and string and chamber orchestras. Anyone who has had the opportunity to attend a concert at any number of our schools, both government and non-government, will agree that the standard of the music on offer is exceptionally high. In July this year, yet another ensemble was formed: the Canberra Sinfonia.

Given the population of Canberra, five orchestras or ensembles—not including the Duntroon Military College band and the numerous school groups—would seem a very rich supply of music delivery. That is not by accident, and anyone involved in the music scene in Canberra would be well aware of the drivers of that proliferation of talent. When you learn that the 25-year-old conductor of two of those orchestras is a graduate of the H course, as are many of their members, you start to see the key drivers that have led to this musically rich resource and just how influential this music for colleges program has been over its 35 years in existence.

That is soon to stop. The ACT government, with no consultation and no plausible explanation, has decided this activity must stop. The ACT Board of Senior Secondary Studies approved H course in classical music and jazz music will no longer be funded, with effect for new students in year 11 from 2019. The news has been met with disbelief, anger, sadness and great bewilderment as to why a program that has been so successful, that has delivered so many talented musicians, administrators and teachers, is having its funding cut.

And why? The publicity blurb suggests that it is to allow artsACT to give new funding to a wider range of music courses, not just those at college level. That seems a little thin, given that we are not talking about millions of dollars and given that the course has had demonstrable success factors—success factors going back over 35 years. All that lost for the sake of \$275,000 a year? It simply does not make sense.

I would hope that in defending this decision the word “equity” does not rear its ugly head. Whilst it is good that music education is delivered to a broad cross-section of the ACT community, it makes no sense to do that at the expense of a highly successful, well-credentialed program such as this H course which gives our young musicians the start they need to pursue a career in music, a career that, as one young musician told me, they would not even have thought about pursuing had it not been for this H course.

I acknowledge some Canberrans in the gallery today who are concerned about what is going on. Surely \$275,000 a year to support our young people to pursue a career in music is not beyond the budget of the ACT? Given that we have an education budget of close to \$2 billion a year, I cannot believe that \$275,000 a year is unaffordable. The minister for education is able, Pontius Pilate like, to wash her hands of this cut and say, “It is not my fault. It is an artsACT decision.” As deputy leader and potential future Chief Minister, I presume Ms Berry is an active member of cabinet and would

have been well aware that this H music course, while not funded by her directorate, is to all intents and purposes an education activity.

For those not familiar with H courses, let me outline their purpose and structure. H courses are authorised by the ACT Board of Senior Secondary Studies, a statutory authority responsible for the certification of senior secondary school studies in government and non-government schools in the Australian Capital Territory. Aside from classical music and jazz music, H courses are offered in advanced Japanese, astrophysics, biodiversity, chemistry, continuing Chinese, continuing Japanese, discovering engineering, performing Indonesian and specialist mathematics.

H courses are available to students in years 11 and 12. Successful completion of an H course counts towards an undergraduate degree. Typically, successful completion of the H course allows a student to start their tertiary studies in year 2 of their chosen degree. H courses are certainly not an easy pathway to take. Whilst anyone studying music could apply, it was only by successful assessment and interview that students were accepted. That in itself makes it something special.

If you look at the course description, you can see it is designed for serious study. The classical music H course is delivered over four semesters, and the curriculum covers both classical music history, from the Renaissance to today, and relevant theoretical concepts, composition, orchestration and more.

Assessments include theory and aural exams, research essays and presentations, as well as ensemble and solo performances. By the end of the course, it is expected that students will be prepared for material appropriate for second year university or conservatory students. Students receive expert classroom and ensemble tuition from some of Canberra's finest classical musicians, as well as guest masterclasses and workshops throughout the course.

In the jazz course, the curriculum covers both jazz music history from the 1800s to today and relevant theoretical concepts, composition, arranging and more. Assessments include theory and aural exams, research essays and presentations, as well as ensemble and solo performances. By the end of this course, students are also ready for material appropriate for second year university or conservatory students.

Students receive expert classroom and ensemble tuition from some of Canberra's finest jazz musicians, as well as guest masterclasses and workshops throughout the course. This tuition, from so many top class musicians, is something that most Canberra families would not be able to afford or be able to access. The success of this accessibility has been demonstrated each and every year with the depth of talent appearing on the Canberra music scene. A music teacher only this week implored me as follows:

This is a rigorous and thorough course that provides training to a level that individual instrumental teachers such as myself are unable to, and also gives the students unique performance opportunities, particularly in chamber music, not easily available anywhere else with others of a similarly high standard under expert guidance. Students in other states cover much of this in the advanced senior music courses ...

H courses epitomise excellence and are at the heart of excellence in education: they provide opportunities for students to stretch themselves, to challenge themselves and to succeed beyond their expectations. Additionally, although this is not an objective in itself, they have the benefit of reducing costs to students and families through a shorter university pathway.

Why have they been dropped? It makes no sense, and to date no sensible reason has been given: not to students, not to parents, not to music administrators, not to former graduates and not to the broader Canberra community. I have written to the minister for education and the minister for the arts seeking answers; to date, I have not had any response. I understand that an e-petition sponsored by Ms Le Couteur has been started by former students and has already garnered over 600 signatures, so it will be referred to an ACT Assembly standing committee.

I had optimistically hoped that Ms Le Couteur would do the right thing, where it really matters, in supporting my motion in the Assembly today. Alas, I see that she has gone to the extent of rewriting my entire motion in her amendment. I look forward to seeing her justification for doing so.

It is not too late for common sense to prevail and for this decision to be reversed. It is not too late for the minister for education to put some real meat on her future of education strategy. In that paper, she talked about the ACT education system of the future being personalised to each child: “Each student treads their own educational pathway based on their developing interests, knowledge and skills.” She told us that the future of education strategy rests on four foundations, two of which are to “place students at the centre of their learning” and “empower teachers, school leaders and other professionals to meet the learning needs of all students”. Removing H courses goes against both of these ideals. Removing H courses prevents students from treading their own educational pathway. Removing H courses is clearly not placing students at the centre of their learning. Removing H courses will prevent educators from meeting the learning needs of students.

Where has the minister been since this first became widely known? Apparently the decision to cut this course was made in February this year. Not one word was said. Not one explanation. Regrettably, it was only a few weeks ago that I learnt of its fate. Students were probably hoping for a change of heart. Clearly, despite the thousands of conversations held about education this year, the minister held not a single conversation on this subject. Why was the minister for education so missing in action on this in February—and, seven months later, still silent?

There are currently 30 students enrolled in the H courses in music and another 139 are enrolled in the other 14 H courses. How secure are they? Clearly not so. If a course with an impeccable track record like the H course in music is being cut without explanation, what is to stop a minister abandoning the others? So much for equity; so much for excellence; so much for student-centred learning. When it comes down to it, this government is good at talk but a poor performer when it comes to real action and commitment. I commend my motion to the Assembly.

MS LE COUTEUR (Murrumbidgee) (12.08): I am very pleased today to have the opportunity to talk about the defunding of the ANU's music H course. I thank Ms Lee for bringing forward her motion today. Of course, in spirit I have full support for what Ms Lee's motion is aiming to achieve. I was very honoured to be asked a few weeks ago to sponsor a petition that is calling for reinstatement of funding for the course. However, the issues have become much murkier and I will talk about these in my speech.

I was at the protest outside the Assembly about a fortnight ago. It was clear from the energy of the crowd and the conversations just how passionate everyone is about this. I wish I could have stayed longer, but I had to go to a planning committee meeting. The fact that the protest had to occur is disappointing. The protest was great. The students protested through their music. I am sure that many people here heard it. It was a very bittersweet occasion. The kids are talented; the music teachers are passionate; the parents are really supportive; everyone is involved and everybody feels let down.

One of the issues, irrespective of whatever is going on, is that there has been very little public discussion as to the reasons for the decisions and who made them. Since Ms Lee's motion was placed on the notice paper on Monday, basically my office has been working as hard as it can to find out what is behind the story. It is clearly a decision that would appear, from some points of view, to be very regrettable. We have been trying to find out why, who did this and what happened.

It has not been easy to find out. As well as talking to the students past and present, I have been talking to the ANU and to the government. While it is abundantly clear that the course is well loved, the rest is less clear. As my mother would have said, it is as clear as mud.

After all the consultation that I and my office have done, I think there may be some inaccuracies and misinformation in Ms Lee's motion. For that reason, and also because I want to change the calls slightly, although I think possibly more in wording than in actuality, I move the amendment which has been circulated in my name:

Omit all words after "That this Assembly", substitute:

"(1) notes that:

- (a) the music H Course offers an advanced music program for year 11 and 12 students run by the Australian National University's School of Music and funded by the ACT Government via the artsACT Community Outreach Program;
- (b) discussions on the new Community Outreach Program between the ACT Government and the ANU School of Music commenced in 2016 and the funding changes were announced in February 2018;
- (c) the Music for Colleges program will continue for 2018 and 2019 to enable year 11 and 12 students currently enrolled in this program to complete the course at the end of 2019, with no new enrolments after that time;

- (d) music teachers, music practitioners and music administrators in classical and jazz music started their careers through this program;
 - (e) H Courses are designed and accredited by an Australian higher education provider and successful completion of the course is recognised towards an undergraduate degree with that provider; and
 - (f) H Courses may contribute to the student's ATAR calculation; and
 - (g) all other H Courses are funded via the Education Directorate's ANU Extension Program deed of grant, which currently allows the ANU discretion about the courses offered; and
- (2) calls on the ACT Government to:
- (a) continue supporting ANU's provision of H Courses through the \$120 000 per year ANU Extension Program deed of grant; and
 - (b) continue to support ANU's School of Music's provision of outreach to the students of Canberra, including high performing music students, with comparable funding to previous years."

The music H course is a well-regarded, rigorous program that provides one-on-one tuition and a range of focuses for high performing young musicians in years 11 and 12. Many students have progressed to tertiary level study and professional careers. It is run by the ANU School of Music and has been funded by the ACT government via the artsACT community outreach program.

All the other H courses—about 11 of them—have in fact been funded via the education directorate's ANU extension program deed of grant, which currently allows the ANU discretion about which courses are funded. The funding changes that are relevant to the music H course were announced in February this year in a media release that I have read a couple of times.

It is probably unfortunate that we are in this position now and that people at the time did not appreciate that the media release was not just about new funding. It was about defunding old courses. That is regrettable. I know that many people in the community are very disappointed about the fact that this course will not be offered after this year. It is a pity that the community has not had a longer period to consider this. I do not know whether it would have made a difference, but I think it is unfortunate that it is only so recently that the people affected have realised what was in fact proposed way back in February.

The new programs that the media release talks about and that are being offered by the artsACT community outreach program are excellent. It would appear that they are going to be very positive for music in the ACT. The new programs at the ANU School of Music include Girls Rock, a rock music program for young girls. Their band showcase in July was excellent and heartwarming. The group that I was involved in was able to provide some of the funding for that. It is great to see that it has been taken up by the School of Music and funded via the ACT government.

There is also My Song, a mentorship program for Aboriginal youth. The list of new programs offers fabulous opportunities for a broad range of members of the

community to learn music, connect with each other, grow in confidence and get involved.

While there will be great new programs, it is worth pointing out that none of these programs is the same as the music H course. From my point of view, not having huge music knowledge, it would be ideal if the ACT was able to offer both. High performing music students should not be left out in the cold. I agree with Ms Lee's comments that there has not been any persuasive public justification for the change of priorities. In fact, there is possibly no justification, persuasive or otherwise. As I said, that is why my office has spent the last couple of days trying to unpack what is going on.

I am not a musician. I think it would be really inappropriate for me to say to the ANU School of Music that their curriculum choices, their program choices, are not the right program choices. The ANU is an independent institution, so it would also be futile for me or the Assembly to say this.

I understand that the ACT government and the ANU have agreed on the direction of programs that should be covered by the new funding agreement. I understand that there are competing priorities and necessarily limited funding and that this can make the decisions that were made difficult. I also know that in the last few years the ACT government has increased its direct support for the School of Music. An additional \$1 million over four years has been provided to support the school to develop as a high quality music conservatorium. The Greens have been very supportive of this work and funding.

Music education is important. It is as important as astrophysics, maths, ordinary physics and all the H course subjects at the ANU that still receive funding. I have also been told that that the funding they receive from the education department does not cover the entire costs of the H courses. It covers the costs of their getting an ATAR score and being recognised by the board of studies, but it does not cover all the tuition courses.

It is my belief that both the ACT government and the ANU are committed to and respectful of music education and the performing arts. I acknowledge the ongoing commitment of the ACT government to funding for community outreach programs. But unlike other states, we do not have a performing arts school here in the ACT. This is an issue, but it is an issue largely due to the size of the ACT community. It is one of those things where critical mass is needed. It is not yet obvious that we have that critical mass.

While the music H course has filled a vital gap in music education, what we will have to do is wait and see whether the new programs still allow enough avenues for professional support and experience for our talented local school-age musicians.

I am sure that none of us would like to see these young musicians moving to other jurisdictions, particularly during their school years, just because they were unable to get adequate support in the ACT. Having said that, I would also suggest that, given the age and career trajectories, it is probably inevitable that many of them will, in fact,

leave Canberra, but also that many of them will return, as has been the case in the past. But I do hope that the work the School of Music is doing to develop itself as a high quality conservatorium also enables continued support of our high performing school-age students.

I turn to my two calls, because they are the heart of my amendment. The first, 2(a), echoes Ms Lee's calls for completeness. To my knowledge, no-one has suggested that the other H courses are under threat. My call 2(b) is the heart of my amendment. It says:

- (b) continue to support ANU's School of Music's provision of outreach to the students of Canberra, including high performing music students, with comparable funding to previous years."

Unpacking this, there are two points in it. It calls on the government to maintain funding for the ANU School of Music's outreach programs. It is my understanding that that funding has been maintained. I see that the minister is nodding and I assume that he will state this shortly. My understanding is that the funding has been maintained. The issue is not the ACT government's funding for this being reduced.

The second point is about the School of Music and its choice of how it spends the ACT government's money. As I said earlier, I respect the School of Music's professional expertise in this. I think they are in a better position than me or the Assembly to determine the priorities for outreach programs.

I am in full support of the government continuing to provide adequate funding for ANU extension programs and community outreach programs. These are important. Basically, what I am doing is calling upon the ACT government and the School of Music to work together on the best outreach programs that will support high performing, elite students as well as the broader community that loves the arts in the ACT.

MR RAMSAY (Ginninderra—Attorney-General, Minister for the Arts and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (12.19): I also rise today to correct the assumptions and the inaccuracies in Ms Lee's motion and to support the amendment that has been moved by Ms Le Couteur. I note that as part of her speech today Ms Lee said it was only a few weeks ago that she learned of this whole matter. I certainly invite Ms Lee and those opposite to consider the level of attention they pay not only to government announcements but also to what occurs in this chamber.

On 9 February this year the government and the ANU both announced a new three-year funding agreement for the ANU community outreach program to provide music and visual arts programs for their Canberra community. At that time both the government and the ANU announced that the music for colleges program, which is the vehicle and the funding stream by which the government facilitates the ANU delivering its jazz and classical music curriculum enrichment, would be transitioned off funding, with a year's notice, and that there would be transitional

funding to ensure that the 30 year 11s in the program could complete the year 12 component if they wished.

On 15 February this year, I answered a question without notice in this place—Ms Lee was here as well—from Mr Wall on that matter. I also answered an extensive question on notice on 23 March from Mrs Dunne on these same arrangements.

In that February announcement, the ANU welcomed what it called a boost to dynamic music and visual arts programs for the whole community to enjoy. The head of the School of Music stated that he was delighted with the new funding agreement and was looking forward to delivering these exciting new programs, which will continue to help the School of Music grow from strength to strength.

This announcement, over six months ago, was preceded by over a year of talks between the ANU and artsACT. Those talks had been taking place since December 2016 to ensure that the ANU School of Music and the School of Art & Design were proposing a suite of community outreach programs to meet the stated intention of the government's community outreach arts funding.

That intention is to increase the participation in the arts for the whole community; to promote collaboration between organisations, artists and the community; and to engage members of the community who might otherwise experience barriers or disadvantage that inhibit their participation in the arts.

As part of ensuring that all programs proposed to be offered by the ANU utilising the ACT government community outreach funding were meeting these intentions, assessment was undertaken, including with the advice of an expert national independent panel. That resulted in a shift away from focus on supporting students in the school environment to supporting members across the whole community to access music programs and to develop their artistic skills in line with the aims of the 2015 ACT arts policy and 2017 social inclusion in the arts plan.

The refining of the entire suite of the ANU community outreach arts programs has resulted in a range of activities for both the School of Music and the School of Art & Design that have better reach into the wider community, especially for people experiencing disability.

The ACT government's financial contribution to the School of Music is significant. It includes \$512,000 per year from 2018-20 for community outreach and \$250,000 per year for four years to the advanced music performance program. The government also provides community outreach funding to the ANU School of Art & Design. Their programs were also refocused on better community access through a negotiation process. Their new suite of programs will receive \$284,000 over the next three years.

Madam Speaker, this is a total of nearly \$2.1 million over the next three years for community outreach at the ANU. As I say, that is in addition to \$1 million over four years to the advanced music performance program that provides the ANU School of Music students with high level performance activities within the undergraduate degree.

The new community outreach programs that are offered by the School of Music, and funded by the ACT government, have a renewed focus on women, girls, Aboriginal and Torres Strait Islander youth and broad community participation, noticeably with rock and jazz as the key genres. The new outreach programs offered by the School of Art & Design have a renewed focus on Aboriginal and Torres Strait Islander community members, on people experiencing disadvantage and on professional development for burgeoning artists.

ACT school students continue to have many ways to access music programs, including the School of Music's new developing musicians program and other ACT government-funded music programs included through music for Canberra at the Ainslie Arts Centre and music engagement activities by the Canberra Symphony Orchestra. School students also have access to a number of other opportunities to engage with music through the ACT government's instrumental music program as well as many ACT schools providing music programs as part of their curriculum. There are also a number of community organisations that provide in-school music programs.

ACT government community outreach funding supports not only the ANU. It also funds a range of other important activities that are delivered by Tuggeranong and Belconnen arts centres and the Canberra Symphony Orchestra. It also funds access to Llewellyn Hall for music organisations that cannot otherwise afford the venue hire. MusicACT is also providing funding for capacity building programs for musicians and bands, including in artist management, recording, touring and promotion.

Madam Speaker, I can assure you and the Assembly that the government is committed to ongoing discussions with the ANU School of Music on the community outreach program as new potential programs are further developed and refined. We will continue to support the ANU's provision of H courses through the \$120,000 per year ANU extension program deed of grant. The ANU have provided assurances that no other H courses are under review and that they have no intention to discontinue their provision. I commend the amendment to the Assembly.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour.

Sitting suspended from 12.27 to 2.30 pm.

Questions without notice

Schools—asbestos

MR COE: My question is to the minister for education. Minister, on what date was WorkSafe ACT notified of the potential and confirmed asbestos at Harrison School?

MS BERRY: As I informed the Assembly yesterday in my statement to the Assembly, the question was asked on Monday of the principal of the school about whether or not there was asbestos in the school. The school forwarded the email to the Education Directorate on the same day. They forwarded it to ACT Property Group. A priority

request for a sample was asked for, that the crush stone be tested for hazardous material. On 28 August, late in the afternoon, Robson Environmental services confirmed the presence of the ACM but the extent of the product in the area was unknown at that stage. On Wednesday, 29 August, WorkSafe ACT was notified by the Education Directorate of non-friable ACM found in garden beds at Harrison School.

MR COE: Minister, will you table the original environmental report and all subsequent reports regarding asbestos at Harrison and Mother Teresa?

MS BERRY: Yes. I refer the member to the statement that I made yesterday that the report will be available at the school, once it is completed; and once it is available at the school, I am happy to provide it to the Assembly if that is appropriate.

MS LEE: Minister, how long will it take to clean the identified sites and when will they be cleared?

MS BERRY: A management and removal plan is being developed on the advice of WorkSafe and Robson.

Government—administrative arrangements

MS LE COUTEUR: My question is to the Chief Minister and relates to government efficiency under the new administrative arrangements following the recent cabinet reshuffle. The Environment, Planning and Sustainable Development Directorate is now reporting to seven separate ministers: all of them except one. How did you break the news to Minister Fitzharris that she would be the only one missing out?

MR BARR: I had some very productive discussions with colleagues over the course of determining the redistribution and I did not need to broach that issue with Minister Fitzharris.

MS LE COUTEUR: Minister Steel's city services responsibilities include footpaths but Minister Fitzharris's transport responsibilities include active travel. Are shared paths a type of footpath or are they active travel or how do we work this out?

MR BARR: There would be many areas across ACT government administration where there are either joint responsibilities or where assets of a particular type will sit with a particular minister. I do not think it is too difficult to manage a separation between city services and transport. That has happened in the past and can happen under the current arrangements.

Schools—asbestos

MS LEE: My question is to the minister for education: Harrison School was alerted to the presence of asbestos on Monday, 27 August, as you have outlined. On what day and at what time were you informed about the presence of asbestos at Harrison School?

MS BERRY: As Ms Lee would be aware, when she and her friends in the Canberra Liberals called a press conference she sent an email to my office three minutes before the press conference occurred. I was at another event announcing the ACT government's calling for nominations for the people's sporting champions awards. So when I got back to the office and saw the crowd out the front I went, "Mmm, what's going on here?" Then I went up to the office and found out in more detail.

I had received a phone call from my office to indicate there was asbestos at Harrison School and that the Education Directorate and Robson and WorkSafe were working on a communications plan with the school to make sure that the teachers and parents and the community were involved in a calm and considered way rather than in the unnecessarily scary way the Canberra Liberals adopted in their press conference.

MS LEE: Minister, why did it take so long for the directorate to notify you of this serious matter?

MS BERRY: The Education Directorate was working very closely with WorkSafe ACT, Robson and the school community to ensure that communication went out to the school community and that it was carried out in a calm and careful manner, given the information that they were aware of at the time, rather than taking the Canberra Liberals' line of announcing it via the media and making it into a situation which it clearly is not.

MR WALL: Minister, how many other schools have the same contaminated landscaping material? If you do not know, what is the government doing to ensure that no other schools across the ACT are affected?

MS BERRY: Thank you for that question. I refer the member again to the statement that I gave yesterday. The ACT directorate will act on the advice of WorkSafe.

Economy—performance

MS CODY: My question is to the Chief Minister. Chief Minister, the Australian Bureau of Statistics has just released the state final demand figures for the 2017-18 financial year. How did the ACT's economy perform?

MR BARR: I thank Ms Cody for the question. I can advise the Assembly that the ACT's state final demand grew by 5.8 per cent in real terms over that 2017-18 fiscal year, significantly outpacing demand growth in the national economy, which grew by a more moderate 3.4 per cent. This result is further confirmation that the ACT has the fastest growing economy of all states and territories, with only Victoria coming close to our rate of growth in demand over the past year.

It also shows that some of the scepticism from commentators at the time of the 2018 territory budget about our forecast levels of growth was misplaced—yet again. In year-average terms, demand growth has come in slightly above where we estimated it at the time of the budget, and our treasury forecasters have provided another accurate set of numbers. Importantly, all of the major components of state final

demand were positive during the 2017-18 fiscal year, including public consumption, private consumption and public and private investment.

The ACT economy continues to perform well, contributing more jobs for Canberrans. We have the lowest unemployment rate in the nation and we are seeing strong returns for our local businesses.

MS CODY: Chief Minister, what are the main components of the state final demand and what do they highlight about our local economy?

MR BARR: The single largest component of the ACT's state final demand is private consumption, which accounted for \$4.6 billion of activity in the June quarter of 2018 alone, or around 38 per cent of total state final demand. This is household spending that Canberrans undertake every day in supermarkets, bars and cafes and, of course, for the purchasing of household items.

Another \$1.3 billion, or around 11 per cent, of state final demand is made up of private investment, which includes investment in housing as well as private business investment. The fact that private consumption and investment account for such a large share of demand in our economy highlights the importance of Canberrans having good, secure jobs that pay a decent wage.

The ACT government takes good jobs, fair wages and the protection of legal entitlements seriously, which is why we have developed the secure local jobs code. It is why we have established a task force to examine the employment arrangements across the ACT public service to identify contract or temporary positions that can be made permanent. The steps that we are taking to boost secure work with decent pay here in Canberra are good for workers but it is also important to reflect that our state final demand figures highlight how important this is across the wider economy.

MS ORR: What are some of the sectors that have seen the strongest growth in demand over the past 12 months?

MR BARR: One of the strongest areas of growth has been in private business investment, up 14.7 per cent over the past year. It is really pleasing to see Canberra businesses investing in new equipment, new building and other goods, because it shows that they are feeling optimistic about the future and our city's prospects.

National government consumption has also increased, which is, of course, a good thing after a period of decrease under the Abbott government. Yes, Madam Speaker, it was the Abbott government: it was a few prime ministers ago now; I forget.

The Australian public service will and should continue to provide a strong base for our city's economy, but it is one that we can continue to build on. That is why this very strong growth in private business investment over the past year is a positive for the ACT.

There is one metric in state final demand figures that we like to see go down instead of increasing, and that is the net expenditure interstate figure. I am pleased to advise

the Assembly that this was down 27½ per cent in the past year, which means that more Canberrans are spending more of their money here in the ACT. The ACT traditionally has had negative net expenditure interstate, but as the services and amenities that we offer here get better and better, we hope that this gap will continue to close and perhaps even move into positive territory.

Schools—Asbestos

MR WALL: My question is to the minister for education. Minister, when exactly were staff and teachers at Harrison School informed about the potential for asbestos to be on the property? Was this done at a meeting where questions could be asked of officials or was it done via email or another form of indirect communication?

MS BERRY: I might have to take some advice to see whether there is some more detail that I can provide to the Assembly on exactly what Mr Wall is asking there. But there was no reason for Harrison School to have presumed that there would be any asbestos at that school. It is a newer school. So the presumption was that there was no asbestos at the school.

However, once the question was asked by a parent, immediate steps were taken to have the matter investigated. It was investigated and action is now being taken to remediate the site and ensure that the community at Harrison is kept safe. I also note again the comments of Mr Greg Jones, the Work Safety Commissioner, that the response was a perfect response. So I am not sure where the Canberra Liberals are going with this—

Mr Wall: Point of order, Madam Speaker.

MADAM SPEAKER: Can you resume your seat, minister. Mr Wall on a point of order.

Mr Wall: I ask the minister to be relevant. The question asked specifically exactly when teachers at Harrison School were informed about the presence of asbestos and whether it was done in a face-to-face meeting or via a form of indirect communication. The minister has not yet answered when teachers and staff were notified and in what form they were notified.

MADAM SPEAKER: At the beginning of her answer she indicated that she was going to get advice and come back with the detail.

Mr Wall: She said that she was not quite sure. I just thought I would help clarify.

MADAM SPEAKER: She said she was getting advice, Mr Wall. I do not need any chitchat back from you. She has time to answer the question. Minister, do you want to continue?

MS BERRY: Thank you, Madam Speaker. On Monday, as I said, there was no presumption that there was asbestos at this school. So testing needed to be done to confirm whether or not there was asbestos at this school. That testing occurred. The

testing came back positive on Wednesday and appropriate action was taken: a perfect response, according to the Work Safety Commissioner. I am not sure what more could have been done other than a perfect response, as stated by the Work Safety Commissioner.

MR WALL: Minister, did the establishment of the central communication team in any way delay information flowing to staff, teachers or parents at Harrison School?

MS BERRY: No, because the school and the Education Directorate and others involved took the time to make sure that important information and clarity were provided to the school community in an appropriate way rather than via a media stand-up outside the Assembly.

MS LEE: Minister, will you now provide the opposition with a briefing on the issue of asbestos in schools and, if so, when?

MS BERRY: Yes, I refer the member to my statement of yesterday which provided considerable information to the Assembly on the situation at Harrison. I also referred yesterday to information I have provided to the opposition on asbestos in other schools in the ACT community. It is not something I would want to keep away.

Opposition members interjecting—

MS BERRY: On the issue of stealth, a public comment here in the Assembly that is widely broadcast over the internet is hardly a secret or a stealthy comment made by the government on how it is addressing asbestos issues—

Opposition members interjecting—

MS BERRY: Yelling across the chamber is not a helpful situation when I am trying to answer a question. I am doing my very best.

Mr Coe interjecting—

MADAM SPEAKER: Mr Coe.

MS BERRY: When there is more information available on the remediation, which I am sure the opposition are interested in, I will be happy to provide that information.

ACT Health—leadership

MRS DUNNE: My question is to the Minister for Health and Wellbeing. I refer to the sudden resignation of the CEO designate of the Canberra Hospital and Health Services three days after her appointment was announced on 3 September 2018. Minister, did you meet with the CEO designate during her time in Canberra? If so, what discussions did you have with her about her strategy to manage the ACT's hospital system?

MS FITZHARRIS: Yes, I did, and we had a wide-ranging discussion about those matters.

MRS DUNNE: Minister, what did you tell the CEO designate about your strategy for the ACT hospital system?

MS FITZHARRIS: I outlined a range of matters, which I have previously outlined in the Assembly and in public as well, about my intention to deliver the highest quality health care services to the Canberra community; about the many initiatives we have underway; the challenges we face; and the many initiatives we have to roll out from here on in.

MR COE: Minister, did the CEO-designate have a signed contract at any point prior to her departure?

MS FITZHARRIS: Yes, I believe she did.

Housing—affordability

MS ORR: My question is to the Minister for Housing and Suburban Development. Can the minister update the Assembly on the performance of the ACT government's land rent scheme?

MS BERRY: I am very happy to update the Assembly. The land rent scheme is an important option for Canberrans looking to own their own home at a reduced cost. Last week I had the great opportunity to meet two Canberrans who are benefiting from the scheme, Christine and her daughter Chloe. It was a very big day for them, getting the keys to their new home, and the process of getting together the deposit and the loan was made easier by the scheme.

Christine and Chloe's new home is one of over 2,000 land rent leases that have been issued since the program began in 2008. It allows Canberrans to rent the land from the government rather than pay up-front for land costs. In effect the ACT government offers a discount rate to eligible people who would otherwise be unable to afford the full market purchase price of land and construction.

Community Housing Canberra have been able to connect their tenants to the scheme, and Christine and Chloe's new home is one of 10 houses recently developed. Overall, CHC has prepared 157 houses for land rent, providing home ownership options for their tenants and Canberrans who are looking to enter the market.

The ACT land rent scheme has been recognised as a national model to tackle housing affordability in a recent Australia Institute study. The scheme ensures that the government subsidy of lower housing costs goes directly to the owners and is not added to the bottom line of the developer.

Nation-leading programs such as this one are working to address housing affordability in Canberra, and I look forward to bringing more forward as part of the housing strategy that I will be releasing later this year.

MS ORR: Minister, how is the scheme making home ownership more affordable in the ACT?

MS BERRY: The land rent scheme gives people the option of renting land rather than purchasing the land to build a home. This means that they need to fund the construction of a home but they do not need to fund the up-front cost of the land. This significantly reduces the cost for Canberrans in owning their first home.

The ACT is able to leverage our unique position to offer blocks for land rent as an alternative to land sales. Under the scheme, people who purchase a single-dwelling residential block from the Suburban Land Agency can apply for their crown lease to be a land rent lease. Canberrans can then rent the land at a discounted rate of two per cent over time, building equity in their home without being subject to the up-front costs. At a later stage owners have the option to purchase the block.

This program is working really well. According to the Australia Institute, over 3,200 households have benefitted from the scheme with an annual housing cost saving of around \$9 million, a large amount for a small jurisdiction like ours. According to the study, land rent owners on average are saving around 37 per cent on housing costs over 10 years.

The reality of owning your own home for households on a moderate income is more achievable thanks to the ACT government and programs like this land rent scheme, as well as the government's affordable home purchase database. It is great to see more Canberrans being able to take up the opportunity to build a home which is more affordable and well situated in the growing areas of Canberra.

MR PETTERSSON: How does the ACT government's approach to housing affordability and homelessness contrast with some other jurisdictions?

MS BERRY: As we get closer to the release of the new housing strategy, it is important to remember the approach that the ACT government will take to tackling housing affordability and homelessness. The heart of the strategy will look at how we make having a safe, secure, affordable home a reality for more Canberrans.

While the federal government has withdrawn from any new funding for public housing and great initiatives like the national rental affordability scheme, it is clear that local and state jurisdictions will need to step up to address these issues.

Building on the conversations that I have already been having, if we grow public housing, as everyone in this chamber has agreed we need to, we also need to welcome tenants into our community. The ACT has the highest ratio of public housing in the country. Through the renewal program we have been able to spread more public housing throughout the suburbs to give tenants more choice on where they would like to live.

There are significant differences between Labor and Liberal governments when it comes to supporting public housing. We will not be introducing a three-strike policy, exiting tenants into homelessness. We will not be transferring a third of our public

housing to other organisations. We will not be pursuing a harsh income management regime for already vulnerable Canberrans.

Public housing tenants are as diverse and as varied as Canberra is as a whole. If the stock is to grow, it is incumbent on us all to make tenants feel welcome and safe in our community so that they can get the support they need to thrive. I am committed to delivering outcomes that will drive more affordable housing and reduce homelessness in the ACT, and I look forward to releasing the strategy later this year.

Health—bulk billing

MS LAWDER: My question is to the Minister for Health and Wellbeing. On 12 February 2018 you announced the opening of applications for the bulk-billing general practices grants fund to encourage the expansion or establishment of bulk-billing general practices in either Tuggeranong or the Molonglo Valley. Applications were to close at 3pm on 6 April 2018. The government has yet to make an announcement about successful applicants for grants under this program. Minister, why has the government not yet made an announcement about successful applicants for this program and when can we expect such an announcement?

MS FITZHARRIS: I thank Ms Lawder for the question. I would have loved to have been in a position to announce those already. There were some further questions in follow up to that round and I very much look forward to making those announcements, I expect within the next month.

MS LAWDER: Minister, what impact have the delays in the grants process had on primary health care in Tuggeranong and the Molonglo Valley?

MS FITZHARRIS: I do not believe any substantial delays that I am aware of.

MRS DUNNE: Minister, how many people on the south side of Canberra have missed out on bulk-billing GP services as a result of your failure to treat the bulk-billing general practice grants fund as a priority?

MS FITZHARRIS: None as far as I am aware but, as members will also be aware, residents on the south side of Canberra can also receive primary care through a number of different organisations. Certainly, a lot fewer people have been affected than have been affected by the federal government's continuing freeze on Medicare payments, which they only recently said they would start to ease.

Mrs Dunne interjecting—

MADAM SPEAKER: Mrs Dunne, you have asked your question.

Canberra Hospital—off-site scan analysis

MRS KIKKERT: My question is to the Minister for Health and Wellbeing. Minister, when the Canberra Hospital sends CT scans off-site for reporting, what medical history for the particular patient is provided to the external analyst?

MS FITZHARRIS: I understand that previous medical histories, as they might be available to Canberra Hospital anyway, are available upon request.

MRS KIKKERT: Minister, what waivers or other report qualifications does an external analyst make when they report on CT scans from the Canberra Hospital?

MS FITZHARRIS: I will take that question on notice, but I note that it is safe practice, as a responsible management plan in the event of unplanned leave, to be able to have an off-site imaging report done. That is in the event that there is unplanned leave which means that the same service cannot be provided.

MRS DUNNE: Minister, what assurances have you sought and received so that you are satisfied that the risk of poor medical outcomes for patients is minimised when scans are sent offsite for analysis?

MS FITZHARRIS: I have sought and received assurances from the chief medical officer.

Health—nurse-led walk-in centres

MR PETTERSSON: My question is to the Minister for Health and Wellbeing. Minister, how will the opening of the Gungahlin nurse-led walk-in centre benefit the Yerrabi community?

MS FITZHARRIS: I thank Mr Pettersson for the question, and his company at the opening of the Gungahlin walk-in centre just a few weeks ago. It is of course the ACT's third nurse-led walk-in centre, fully funded in the 2017-18 budget. Walk-in centres are staffed by advanced practice nurses and nurse practitioners and the Gungahlin walk-in centre provides an alternative for fast, free access to health advice and one-off treatment for minor illnesses and injuries to residents of Gungahlin and the broader Yerrabi community.

Some walk-in centre clients have previously reported that they have difficulty accessing GPs, particularly outside business hours and on the weekends. Access for clients is enhanced as the walk-in centres are open from 7.30 am to 10 pm seven days a week.

The Gungahlin walk-in centre is located right in the heart of the Gungahlin town centre, collocated with the community health centre, and provides its services free of charge on a walk-in, no-appointment basis. In the first week of operation the Gungahlin walk-in centre averaged 30 patients per day, while attendance at the other two centres, in Tuggeranong and Belconnen, remained constant. This demonstrates that the Yerrabi community is already seeing the benefits of this service, as do tens of thousands of other Canberrans each year.

MR PETTERSSON: What benefits does the walk-in centre bring in complementing primary care and other health services?

MS FITZHARRIS: I thank Mr Pettersson for the supplementary question. Walk-in centres provide an integrated service. They work closely with local GPs and other primary healthcare providers. The service model for the walk-in centres is based on one-off appointments. A patient requiring ongoing care will be encouraged to follow up with their GP. Following every walk-in centre appointment, where a patient consents, a report is provided back to their GP. Equally, staff at walk-in centres assist patients to find GPs in their local area if they do not already have one. If a patient presents with a condition that is best treated elsewhere, a referral can be made to enable the appropriate service to assist, which may include a GP, an emergency department or an outpatient clinic.

One of the most complementary benefits of walk-in centres is that care is provided to patients for free. While I recognise that for at least one of the Canberra Liberals one of their biggest problems with walk-in centres is that it is, “a service provided free of charge to somebody who walks through the door by other ACT taxpayers”—just like many other public healthcare services—for many Canberrans affordable health care and, indeed, free publically funded health care are something they do not take for granted and do not perceive to be a big problem.

MS CHEYNE: Minister, can you provide the Assembly with an update on the additional walk-in centre for the Weston Creek region and the inner north health centre?

MS FITZHARRIS: Yes, I am delighted to provide updates on the fourth and fifth walk-in centres that the ACT Labor government will be delivering for the Canberra community. While I am aware that those opposite think that this investment in walk-in centres would be better going to bolster other services, I am delighted to update the Assembly that, instead of half-formed policy ideas to close walk-in centres, our government is progressing full steam ahead with expanding the number of nurse-led walk-in centres to five across the ACT.

In August I was also pleased to announce the preferred location for a nurse-led walk-in centre in the Weston Creek region, collocated with the existing community health centre on Parkinson Street in Weston, right in the heart of the Weston Creek group centre. It will be Canberra’s fourth walk-in centre, offering people in the growing Molonglo Valley and Weston Creek region better access to free health care. Work will now progress to design, refurbish and reinvigorate the community health centre by adding the new walk-in centre and expanded community health offerings to the existing facility.

Early planning for a health centre in the inner north is continuing. This important planning work will inform the government’s decisions about what services are needed in the inner north, including those services currently offered at the city health centre. I look forward to keeping the Assembly updated as this work progresses.

Crime—motorcycle gangs

MR HANSON: My question is to the Attorney-General. Attorney, the *Canberra Times* of 16 September stated in its editorial:

It is now abundantly clear that more needs to be done to prevent these insidious gangs from ruining the safe, peaceful neighbourhoods of this city ...

The government must, at the very least, revisit the idea of anti-consorting laws and confront the reality that the ACT has become an island for these gangs.

The editorial further states that the representatives of the city are content to allow Canberra to act as an island among other states, which have stood up to these gangs and, in a valiant act to protect their constituents, imposed laws to stop them. Attorney-General, will the government, at the very least, revisit anti-consorting laws?

MR RAMSAY: I thank Mr Hanson for the question, noting, of course, that it is not necessarily the case that this government agrees with the editorial of the *Canberra Times*, nor do we necessarily choose to adopt our policies by picking up the editorial of the *Canberra Times*.

One of the things that is important for people in Canberra to know is that Canberra is and remains a safe city. One of the key things for us to know, as we look across all jurisdictions, is that criminal gangs remain an issue in all jurisdictions whether or not there are anti-consorting—

Mr Hanson: Madam Speaker, a point of order on relevance.

MADAM SPEAKER: Stop the clock, please.

Mr Hanson: I am sure that the Attorney-General will get to it, but the question is a very simple one. It is about whether the government will revisit anti-consorting laws or not. A yes or no will suffice.

MADAM SPEAKER: I am not going to direct a yes or no answer. The minister does have time to conclude his answer.

MR RAMSAY: I do understand that the Canberra Liberals, when they see the words “anti-consorting laws”, understand simplicity. They would like to see things in terms of yes or no when it comes to anti-consorting laws. The reality is that, despite the interjections that came in earlier sitting periods, in August, when the Canberra Liberals said that anti-consorting laws were a simple solution, that is not the case. The government will remain focused on making sure that what we do is build a strong and safe city.

Mr Hanson: Madam Speaker, as the Attorney-General has pointed out, I am a simple fellow, so, as a point of clarity on relevance, could he provide a clear answer? Does this mean yes or does this mean no?

MADAM SPEAKER: As I have indicated, I cannot and will not direct the minister to answer yes or no. He has time.

Mr Hanson: He needs to be relevant.

MADAM SPEAKER: Satisfy the simple man on the other side, attorney, perhaps, in the time that is left.

MR RAMSAY: I do understand the simplicity with which the Canberra Liberals view this. The government will continue to look at matters from the perspective of human rights compliance and effectiveness. That will mean that we will drive through our investments. Again I note that when we were investing in the police, the DPP and the courts in the most recent budget, the Canberra Liberals voted against it, because of their simplicity on this. We will consider the matters in the way that we have before, on the basis of human rights and effectiveness. The evidence is not clear in any way that anti-consorting laws or criminal organisation control orders provide anything in that area.

MR HANSON: Why did the government propose anti-consorting laws in 2016 then, and why were they abandoned?

MR RAMSAY: The consideration that occurred in previous governments is not something for me to say, but what I can say is that the determinations that have been made by this government will be and remain human rights compliance and effectiveness. When we look at what is the case in other jurisdictions, it becomes clear that anti-consorting laws impact disproportionately on vulnerable people: on Aboriginals and Torres Strait Islanders, on young people, on homeless people. This government will not work in areas that take—

Opposition members interjecting—

MR RAMSAY: What we will continue to do is to focus on effective measures, as we have in this parliament already. We have worked in the area of increased crime scene powers; we have introduced new offences. We will continue to invest in our policing, our DPP and our court resources in a way that—

Opposition members interjecting—

MR RAMSAY: I am certainly not scared of the interjections of the people across the chamber in their simplistic view that they will continue.

Opposition members interjecting—

MADAM SPEAKER: Members, not across the chamber, please.

MR RAMSAY: I do note that there have been times when they have chosen simply not to listen to what is going on. They are doing that again today.

MS CHEYNE: Minister, can you update the Assembly on what measures the government has already introduced to address criminal gangs?

MR RAMSAY: I thank Ms Cheyne for the supplementary question. There were significant resources in the most recent budget for policing, for the increase for the

DPP, for increasing resources for the courts and for increasing the resources available to break the financial basis of that criminal organisation by way of the confiscation of criminal assets. In addition to that we have strengthened police powers to set up crime scene powers, we have introduced new laws to prevent gangs from building fortifications around their premises, and we have invested millions of dollars in ACT Policing's Taskforce Nemesis, which continues to bring excellent results. We will continue to do what is effective. We will continue to do what builds a strong and safe Canberra. And we will avoid the simplicity that comes from the opposition, which thinks that one simple step might solve all the problems, when the evidence is clear that it will not.

Taxis—licences

MISS C BURCH: My question is to the minister for regulatory services: today's *Canberra Times* reports that taxi plate owners are facing potential bankruptcy due to the government's plans to increase the regulated plates cap by 40 per cent. Why is the government increasing the cap on taxi plate licences when the Centre for International Economics report tells us that bookings, revenue and the value of existing licences continue to decline?

MR RAMSAY: I thank the member for the question. Noting that there was a significant statement on this matter yesterday, I refer the member to that ministerial statement. The findings of the evaluation that I brought forward and spoke on yesterday made it very clear that through the extensive stakeholder consultation for the evaluation we have seen very positive results.

Consumers have told us that there are now more choices for travel. It was made clear that the users of wheelchair-accessible taxi services have indicated their satisfaction. We have seen that business and tourism have benefitted from the reforms. The opposition speaks at times about how they would like to see business promoted more. One of the key drivers behind the work on the on-demand transport reform has been the hotels and the businesses that have been surveyed. They have shown that there has been a significant take-up of ride-share services, estimated by some hoteliers to be around 18 to 19 per cent of trips. There has been very positive interaction between ride-share drivers and hotels.

The evaluation indicated that the 2015 reforms to the industry have created net benefits to consumers of between \$6.4 million and \$8.8 million in 2016-17 and between \$2.8 million and \$3.8 million for the broader community. The government is driving this reform through for the benefit of all Canberrans.

MISS C BURCH: Minister, why is the government increasing the cap, given that it sold only one new taxi licence last year?

MR RAMSAY: The government has determined that there are more standard taxi licences that should be made available. Again I refer the member to my statement yesterday which outlined those reasons as well.

We plan to make 30 more licences available immediately. We note that Canberra's population has grown significantly over the years since the current cap was met and we are following through on that to ensure that there are increased choices for consumers, making sure that there are increased possibilities for people to move around this great city.

MR WALL: Minister, have any existing licence holders had their plate value decreased since ride-share came into effect, and will the government now consider compensation?

MR RAMSAY: I thank Mr Wall for the supplementary question. In terms of the issue of compensation, the evaluation has carefully considered compensation for the holders of perpetual taxi licences. The evaluation has indicated, and the government agrees, that individuals who purchased their licences directly from the government during 1995 or earlier and have held on to them will have achieved a full return on their investment. Over time, individuals who hold on to their licenses have had ready access to information about the government's intentions. The government will be seeking to provide personal support, and I will be in a position to provide further details of that in coming days.

Agriculture—Centre for Entrepreneurial Agri-Technology

MS CHEYNE: My question is to the Minister assisting the Chief Minister on Advanced Technology and Space Industries. What opportunities does agri-tech offer to the ACT?

MR GENTLEMAN: I thank Ms Cheyne for her interest in this area. While agriculture may not be the first thing that springs to mind when people think about Canberra—a small jurisdiction with minimal land and crops—our city is a national and global leader when it comes to innovation, research, education, policy and advocacy in plant and agricultural sciences.

This was first demonstrated way back in 1901 when Australian plant breeder William Farrer developed what became known as Federation wheat at Lambrigg in Tharwa that enabled Australia to become a global leader in agriculture.

In 2017, ANU biophysicist Dr Graham Farquhar became the first Australian to receive the Kyoto Prize in recognition of his life's work in plant biophysics and photosynthesis, which involved research on water-efficient crops and the impacts of climate change.

Other key research and public advocacy organisations based in Canberra include the Grains Research and Development Corporation, the National Farmers' Federation, Animal Health Australia, Plant Health Australia and government departments such as the department of agriculture and the Australian bureau of agricultural and resource economics.

It is for this reason that plant and agricultural sciences were identified as one of the priority sectors in the ACT government's business development strategy, confident and business ready: building on our strengths.

MS CHEYNE: Minister, what update can you provide regarding the Centre for Entrepreneurial Agri-Technology?

MR GENTLEMAN: The ACT government has had a development relationship with the agricultural sector for some time. In 2008 the ACT government provided \$1.1 million to establish the Canberra node of an \$18 million Australian plant phenomics facility at CSIRO's Black Mountain facility. The facility provides state-of-the-art phenotyping tools and expertise to help academic and commercial plant scientists understand and relate the performance of plants to their genetic make-up.

In 2014 funding was provided towards a scoping study for the now-established joint ANU-CSIRO national agricultural and environmental sciences precinct. The precinct brings together the expertise from industry, research and government to provide world-leading solutions to natural resource management and food security.

More recently, the Chief Minister and the ANU Vice-Chancellor launched the new \$1.2 million Centre for Entrepreneurial Agri-Technology, a collaboration between the ANU and CSIRO within the national agricultural and environmental sciences precinct. According to the QS World University rankings, ANU ranks as one of the world's top 25 universities in the subjects of agriculture and environmental sciences. The CSIRO also calls Canberra home and is considered to be one of the world's top publicly funded institutions doing the most to advance science and technology.

The ACT government provided \$500,000 towards the establishment of this centre, which aims to position Canberra as the Asia-Pacific hub for research, industry and education in plant and agricultural sciences. This will be achieved by translating research into product development, facilitation of collaboration between researchers and industry and fostering a culture of innovation in agri-technology through industry-aligned seminars, training and placements.

MS CODY: Minister, how will the Centre for Entrepreneurial Agri-Technology, CEAT, help the agriculture industry in the territory and across the nation?

MR GENTLEMAN: I thank Ms Cody for the question. Amongst the many challenges facing the world is that of feeding ourselves into the future in light of dangerous global warming and other challenges that face farmers and food producers. How can we double food production by 2050 in light of these challenges?

The answer is: we have to be smart. This is where the Centre for Entrepreneurial Agri-Technology has a very important role to play. It will be a leader in addressing such problems by transforming the way agri-technology is developed and used in Australia and across the world. The centre will also provide entrepreneurs and farmers with access to the latest innovative solutions and discoveries; opportunity for

researchers to translate their research; and students with the opportunity to develop practical skills through industry placements.

This is a partnership that will deliver for Canberra and produce outcomes that will generate benefits well beyond our territory. It is a demonstration of the potential that exists in our truly global city and the prominent role that Canberra can play in the transformation of the sector to address global demands.

Mr Barr: I ask that all further questions be placed on the notice paper.

Leave of absence

Motion (by **Mr Wall**) agreed to:

That leave of absence be granted to Mr Milligan for today's sitting of the Assembly due to personal reasons.

Personal explanation

MRS DUNNE (Ginninderra) (3.16): Madam Speaker, I seek leave to make a statement under standing order 46, as I have been misrepresented.

Leave granted.

MRS DUNNE: In Question Time today Ms Fitzharris said that I wanted to close walk-in centres. I have never made a statement to that effect, and neither has my predecessor, Mr Hanson. It is not the intention of the Canberra Liberals to close walk-in centres.

Answer to question on notice

Question No 1632

MS LEE: In accordance with standing order 118A, I ask the Minister for Transport for an explanation for the lateness of the answer to a question on notice which was due on 1 September. That is question 1632, which relates to drinking fountains at local shops. I note that the minister's office sent my office an email yesterday at 12.20 stating that it would be late, but failed to provide an explanation for not answering the question within the time frame set out in the standing orders.

MS FITZHARRIS: I will follow up on that.

Papers

Madam Speaker presented the following papers:

Icon Water Contracts with ActewAGL—Resolution of the Assembly of 23 August 2018 requesting documents under standing order 213A.

Letter to the Clerk from the Head of Service, dated 5 September 2018.

Letter to the Clerk from the Manager of Government Business, dated
5 September 2018

Remonstrance

MADAM SPEAKER: For the interest of members, the remonstrance motion that was passed in our last sitting has been presented to the Senate President and has been tabled in the Senate and also yesterday tabled in the House of Representatives.

Music education—funding

Debate resumed.

MRS DUNNE (Ginninderra) (3.18): At the luncheon suspension, Mr Ramsay had spoken on this motion. In his opening comments he made a number of acerbic comments about where the opposition had been, because this issue had been raised in February. To be absolutely precise, it is the case that I did take my eye off the ball on this one. As the shadow minister for arts, I did draft a question which Mr Wall asked on 5 February. But, unlike what Mr Ramsay said before we adjourned for lunch, the question was not about the college music program; it was about the music engagement program. In passing, Mr Ramsay mentioned in response to Mr Wall's supplementary question that the funding for the college access program would be phased out, completing in 2019.

I realised when this issue arose more recently that I had known that but it was something that I had taken my eye off the ball over. For that, I apologise to members. I should have been more alert to it but, as I have pointed out in this place on a number of occasions, I have three part-time staff—unlike ministers, who have more than three part-time staff—and I have responsibility for oversight of the 7,000-odd staff in ACT Health. I do take my responsibilities as shadow minister for arts seriously but on this occasion I overlooked this issue until it was raised with me more recently.

There are two elements to the H music courses. They are intended for students with advanced music skills in the classical and jazz genres. Admission to the course is through audition and interview. The students who gain entrance to this H course are interested in extending their current musical education in conjunction with their college and are seriously considering pursuing music at a tertiary level. They will be proficient in their chosen instrument and already have a strong theoretical understanding of music. Completion of this course contributes to their ATAR score.

These courses enable students to comprehend and value the diverse cultural, social and historical contexts of music; develop their knowledge of musical concepts and styles, of the performance and written conventions of music, and of the social skills for effective interaction and communication in groups; become analytical, critical and creative thinkers; and express insight and feelings through composition, performance, and appraisal.

They become independent in the use of vocal, instrumental or other sounds and symbols of their musical language through performance, appraisal and composition. They develop their knowledge and application of vocabulary and notation skills at their level of expertise and develop skills in composition, aural, and performance, including technical fluency and competence. They become independent learners and develop personal qualities of self-reliance, commitment and confidence. They develop skills in the use of appropriate technology and an understanding of the influence of technology. They respond creatively and critically to musical works and develop skills in problem solving by achieving independence in research. They pursue excellence in all aspects of music and will be equipped to make informed choices as to possible educational, vocational, and recreational pathways. This is an extraordinary list of achievements and objectives for the H program. As Ms Lee has said, this is a program that has been operating in various forms in the ACT for in excess of 30 years.

I had the opportunity last week—I think it was last week—to attend the Australian opera performances here in the ACT, where staff of the Australian opera raised this issue specifically with me. That is because staff that I met at the Australian opera in Canberra last week, or maybe the week before, were graduates of the H program. Not only are they skilled musicians but also they are music professionals operating at the highest level in Australia. So not only do they enrich our own community but the graduates of this program have also gone on to enrich the Australian community in its musical performance and its musical outlets.

Students who complete an H course in classical or jazz music are equipped for building careers as professional musicians, whether that be in performance, composition, teaching, or even building social capital through community involvement in music.

So the question becomes: why has the government decided to reallocate its funds to other parts of the community? I do not want anything that I say here today to be construed by anyone, least of all the minister for arts, as my being critical of the community programs envisaged in the current agreement with the ANU and the school of music. The only problem the Canberra Liberals have is that in reaching out and diversifying and attracting community participation in music, this program has been left by the wayside.

This program is a program about excellence. It is a program that is about the future of Canberra's musicians. The next generation of composers, musicians and teachers are being bred in the H program. The people who have graduated the H program have now gone to the school of music or conservatories elsewhere. They will enrich the community in the next generation as they are currently enriching the community as they develop as musicians. This is the important thing. While we believe in and fully support community access to music, we do not believe that that should be done at the expense of audition entry programs that cultivate the best in our community. That is what this motion is all about.

I spent some time, like Ms Lee, Ms Le Couteur and Mr Wall outside during the protest the other day, and one music teacher spoke at length about her concerns about what would happen. She wrote to me later and said, “The H course is absolutely invaluable to young students, particularly those wishing to continue with a career in music. I know many of those who have completed this course and have done so, and those currently enrolled intend to do.” In relation to the standard music teaching in the public school system and, indeed, in many private schools, this teacher said that she is disappointed and that the programs offered “are totally inadequate for serious students preparing for tertiary entrance. Consequently, the onus is on private instrumental teachers to try to ensure that talented students have the satisfactory level of pre-knowledge and training in music history, theory, harmony, composition and aural skills, with the shining exception of those students who are fortunate enough to be accepted into the H course.”

And one of the important things that was said to us outside the Assembly the other day is about the extent of contact time. The students talked to me about the contact time that they had. It is essentially twice the contact time expected in any other tertiary course. One of the flautists pointed out to me that it was in fact twice the contact time of the astrophysics H course. But even though they have twice the contact time, it is still only considered a major, not a double major or even a major-minor. So these students work very hard after they have been accepted into this very high-standard course.

I think that it is entirely remiss of the government to have reallocated the funding. (*Extension of time granted.*) It is entirely remiss of the government to have reallocated resources at the expense of this program. As Ms Lee said in her opening remarks, the \$275,000 that was spent in 2018 on this program is a drop in the bucket in relation to the education budget. I commend Ms Lee because she has put this in the context not of an arts program but of an education program. It is clearly an education program. It is a program which is authorised by the BSSS, and students participating use the scores that they obtain in this course towards their ATAR.

The H course in classical music and jazz puts talented young Canberrans on the world stage in all senses. But the minister for the arts has closed the curtain on that world stage. The minister should be condemned for his lack of foresight in this place.

MS LEE (Kurrajong) (3.29): I thank Mrs Dunne for her contribution to this debate. Her advocacy for the arts is well known and long held. Like me, she too has been contacted by students, former students and angry members of the music fraternity who are perplexed at this short-sighted decision.

I thank Ms Le Couteur for her contribution and for her amendment. We on this side of the chamber are never surprised when government members have the desperate need to rewrite anything we present, whether it is simply to say the same thing, to create an entirely different story or to rewrite history all together. Ms Le Couteur has obviously taken some lessons from her coalition partners in drafting her amendment today in taking the government line of omitting everything after the heading. I guess the desperate need for the government to ensure that not one word comes from us is paramount to them.

Make no mistake, Madam Assistant Speaker, Ms Le Couteur is just as much a part of this ACT government as any member of the ACT Labor backbench. You only have to point to her PR exercise in spruiking about the government-funded music programs in the entirety of her speech that have nothing to do with the H course

In going through her amendment, I have no objections to paragraphs (1)(a) (d), (e) and (f). Why would I? They are the same as the Canberra Liberals' motion. However, I am concerned at the nuance in paragraph (1)(g), which clearly indicates that there is no desire to provide any guarantee to students undertaking H courses in advanced Japanese, astrophysics, biodiversity, chemistry, continuing Chinese, continuing Japanese, discovering engineering, performing Indonesian and specialist mathematics. Of course, there is the usual get-out-of-jail clause: it's not us; it's the ANU.

I am not here to defend the ANU, but the ACT government should acknowledge that ACT students will miss out. The ACT will be deprived of promising musicians and ultimately the ACT will be robbed of a strong, vibrant music scene.

Ms Le Couteur's paragraph (2) calls on the government to continue to support ANU's school of music's provision of outreach to the students of Canberra, including high performing music students, and refers to a deed grant of \$120,000. You either support the funding to continue the H course or you do not. \$120,000 out of a course that costs \$275,000 is not going to get very far. Ms Le Couteur pointed out in her speech that she had changed the "calls-upon" paragraph only in wording, why would you not use the unambiguous calls in my motion instead of rewriting it?

Nothing in this amendment provides any assurance to students in year 11 2019 and onwards that the music course will continue. And on that basis the Canberra Liberals will not and cannot support the amendments offered.

Going to the contribution made by Mr Ramsay, aside from talking a lot about music that had nothing to do with the H course, the only good thing that came out of Mr Ramsay's contribution was that he was able to provide at least some assurance that no other H courses will be cut, and the Canberra Liberals will be keeping an eye on that.

Lest there be any confusion for people following this debate, ACT Labor and the ACT Greens are not prepared to fight for the H music course. I thank those with a passionate interest in H courses continuing—some of who were in our gallery earlier today—because they know what a difference this course has made to them, their children and their friends.

Indeed, a former student of the H course in music for classical piano has nothing but positive memories of the program. Her musical education has taken her very far. She is a performer, a composer and now also operates a music teaching school. From composing pieces for films and other major events, she has also won national and international competitions. She says that without access to the internationally acclaimed tutors the H course provided she would not have been able to afford to

continue her music studies, and she says many of her friends were in the same boat. As this graduate says:

It gave free tuition with world-class teachers which I could never have afforded on my own. And I think it is very important for us to nurture musical talent in the ACT.

This goes to the heart of the real benefits of the H course. Musical skill, even great talent, can be a career, an additional string to a bow, employment and a hobby. If the education minister wants to talk about equity, this is what the H course in music delivered: equity of opportunity for those who otherwise had no chance of that standard of education. If you like, it is the musical equivalent of Chromebook. She was happy to spend \$17 million on laptops for students regardless of whether they already had one or what academic benefit would result but will not support a \$275,000 spend on music students. Where is the equity? Where is the fairness?

The H course is a world-class education initiative and helps musical proteges a lot. In the words of another graduate:

I know there were students who all they want to do is music. They struggled with other college courses but excelled in the H course due to their passion for music and the world class tuition via the H course.

Two students in my year would have failed at college, but through the H Course, they were able to enter the career they wanted.

It is important that we work to help the advancement of music. Ms Le Couteur's amendments fall short of doing that, and it is clear she does not quite get it. She spoke about some of the reasons behind the cuts and said that perhaps I did not have all the facts while I was preparing my motion. Yet during her entire speech nothing was made any clearer.

Ultimately the question is this: will the H course continue? If the answer is no, as seems to be the case, then the Canberra Liberals cannot in all good conscience support the amendment.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 11

Noes 8

Ms J Burch	Mr Pettersson	Miss C Burch	Ms Lee
Ms Cheyne	Mr Ramsay	Mr Coe	Mr Wall
Ms Cody	Mr Rattenbury	Mrs Dunne	
Ms Fitzharris	Mr Steel	Mr Hanson	
Ms Le Couteur	Ms Stephen-Smith	Mrs Kikkert	
Ms Orr		Ms Lawder	

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

Administration and Procedure—Standing Committee Membership

Motion (by **Ms Cheyne**) agreed to:

That Ms Cheyne be discharged from the Standing Committee on Administration and Procedure for the week of 22 October to 26 October 2018 and Ms Orr be appointed in her place.

Namadgi National Park—feral horses

MS CHEYNE (Ginninderra) (3.41): I move:

That this Assembly:

(1) acknowledges that:

- (a) the Namadgi National Park is part of the Australian Alps National Parks, a collection of protected areas along the roof of Australia in the Australian Capital Territory (ACT), New South Wales (NSW) and Victoria;
- (b) Namadgi National Park protects a wide range of natural and cultural values as well as protecting 80 percent of Canberra’s drinking water source;
- (c) parts of Namadgi National Park are in the alpine and sub-alpine regions or “High Country”, which crosses into NSW (Kosciuszko National Park) and Victoria (Alpine National Park);
- (d) introduced pests, such as pigs, wild dogs, foxes, rabbits, goats and feral horses, freely cross State and Territory borders; and
- (e) ACT Parks and Conservation Service has a long history of working collaboratively with counterparts in Victoria and NSW to control these pests, including a Cooperative Management program for the Australian Alps National Park stretching over 32 years;

(2) notes that feral horses, in particular:

- (a) cause significant environmental damage, including impacting soil with their hoofs, grazing sensitive vegetation, destroying creek banks, spreading seeds and causing erosion;
- (b) have been described as a key threatening process for endangered native flora and fauna;
- (c) impact on water quality; and
- (d) have a population which can quickly multiply unless their numbers are controlled/eradicated wherever possible;

(3) further notes that in June 2018 the New South Wales Government afforded protections to feral horses in Kosciuszko National Park through enactment of the *Kosciuszko Wild Horse Heritage Act 2018 No 24* and that this legislation:

- (a) was driven by the Deputy Premier of New South Wales and supported by the now Deputy Leader of the Liberal Party of Australia;
 - (b) prioritises historical and nostalgic value of a feral animal over biodiversity and the need to protect native wildlife;
 - (c) is reckless and unprecedented;
 - (d) was drafted, and passed, despite expert advice and evidence recommending otherwise;
 - (e) resulted in a scientific adviser to the NSW Government resigning;
 - (f) was condemned by a significant number of eminent organisations, including the International Union for Conservation of Nature, the Nature Conservation Council (NSW), the Australian Academy of Science, and the National Parks Association of NSW; and
 - (g) increases the risk of feral horses entering neighbouring jurisdictions, including the ACT, thereby:
 - (i) impacting on a significant amount of the Territory's water supply;
 - (ii) threatening sensitive ecosystems;
 - (iii) impacting on biodiversity, including in the Cotter Catchment;
 - (iv) undermining these jurisdictions' efforts to control numbers and effects of feral horses; and
 - (v) distracting from efforts to manage other pests; and
- (4) calls on all Members of the ACT Legislative Assembly to:
- (a) condemn the NSW Government's reckless legislation; and
 - (b) make clear, at every available opportunity, that the NSW Government should reverse its decision, and, failing that, the Commonwealth should intervene.

Canberra truly is the bush capital, and to the city's west and south, Namadgi National Park complements our capital, offering an abundance of diverse flora and fauna, as well as important cultural heritage sites. But our pristine national park is under threat.

Madam Assistant Speaker, you will be aware that the ACT has a long, proud history of protecting Namadgi, together with New South Wales and Victoria, from a range of threats, including introduced species. But these significant efforts are now undermined, with the very real risk of feral horses causing significant environmental damage within our borders. And it is all thanks to the reckless actions of the New South Wales government, which has legislated to protect feral horses in Kosciuszko National Park in New South Wales.

It is a decision that has been made in direct opposition to expert advice. It is a decision that has been condemned by numerous organisations. And it is a decision that drastically increases the risk of feral horses galloping across the ACT border, threatening our territory's ecosystems and biodiversity, impacting on the vast majority of our drinking water supply; and undermining our own efforts to control feral horse numbers.

Namadgi National Park is part of the Australian Alps national parks, a collection of protected areas across the ACT, New South Wales and Victoria. Thousands of Canberrans and visitors flock to Namadgi each year, hiking the region's 160 kilometres of walking trails and enjoying a natural wonderland right on our doorstep.

But Namadgi provides much more than a stunning landscape. These 106,000 hectares contain diverse wildlife and plant life, significant Indigenous and European cultural sites, and 80 per cent of Canberra's drinking water. The Cotter River catchment is managed to protect our water supply, a challenge in itself. The restoration and protection of this area's native ecology is paramount to the preservation of quality water.

We know the risks of feral horses in our country. Their hooves and their grazing habits can cause significant environmental damage. They disrupt soil, raze sensitive vegetation, destroy creek banks, spread weeds and spark erosion. This damage to alpine and subalpine environments threatens to push endangered animals and plant life to extinction.

This information is not new. Academics and environmental groups have long warned of the destruction caused by this introduced species. Don Driscoll, a professor in terrestrial ecology at Deakin University, who wrote about this issue for *The Conversation*, argued:

... large numbers of feral horses are incompatible with maintaining the ecological values of Kosciuszko National Park.

Namadgi will not be immune. Introduced pests like feral horses freely move across borders. It will take more than a slogan to turn the brumbies back. And it is not like we can build a wall and make New South Wales pay for it.

In the ACT feral horses will be particularly bad news. These animals have the potential to damage our delicate subalpine wetlands and bogs, particularly those of the Cotter River catchment, which provides much of Canberra's water supply. Livestock, including horses, are known to carry a parasite that can cause gastroenteritis if it contaminates drinking water. Bogs are also home to the rare, endangered, and very cute, northern corroboree frog.

Managing feral horses in the ACT is part of a wider pest control program in Namadgi National Park that includes foxes, rabbits, pigs, wild dogs and goats. As I mentioned, the ACT parks and conservation service has a long history of working with its counterparts in New South Wales and Victoria to control feral horses. These efforts include the Australian Alps national parks cooperative management plan, a plan that has existed for more than three decades.

Our government remains committed to the ongoing work of the Australian Alps Liaison Committee. This body was formed to ensure that our parks and reserves are managed cooperatively to protect this area's character, natural and cultural value, and

preservation for generations to come. Regrettably, it appears that the New South Wales government has conveniently forgotten or, worse, dismissed these efforts.

In the ACT the Namadgi National Park feral horse management plan 2007 was developed with two objectives. One was to remove existing feral horses from our national park and the second was to reduce the need for ongoing control of feral horse numbers. This plan guides the management of wild horses today. As outlined in the plan—a plan developed more than a decade ago—if the feral horse population is permitted to grow, there will be increasing damage to sensitive ecosystems, biodiversity and our waterways.

In the 1980s we eradicated groups of feral horses from the Cotter River catchment, and in recent years the number of feral horses crossing the ACT border from neighbouring Kosciuszko National Park has been low, so low that they can be controlled by capture and euthanasia. This method is not only effective but it is more humane. Without population controls, feral horse numbers will expand to a point that their environment can no longer sustain them. Horses would not only alter the environment but they could then starve.

I want to put on the record for the benefit of members the statements from ACT parks and conservation manager Brett McNamara. He described being “gutted” when he heard about the New South Wales government’s decision. He described the legislation as “terrible”. Like all animals, horses breed and without genuine population control methods we will see the populations doubling every three years. According to Mr McNamara, we could go from a situation where we basically have no horses within our borders to hundreds.

It is absurd that we could go from having no feral horses in the ACT, and concentrating our efforts on other very real, very serious issues, like controlling pigs and feral deer, to having hundreds of feral horses entering our national parks, putting pressure on resources and distracting from these other important efforts, simply due to stupid decisions from another government.

The actions of the New South Wales government through the enactment of the Kosciuszko Wild Horse Heritage Act 2018 threaten to undermine efforts to protect our national park. This unprecedented legislation, driven by the New South Wales Deputy Premier and member for Monaro, John Barilaro, is reckless, to say the least. It flies in the face of expert evidence and advice. It has been condemned by numerous organisations, including the International Union for Conservation of Nature, the Nature Conservation Council of New South Wales, the Australian Academy of Science and the National Parks Association of New South Wales. It is a decision that is so poor that one of the New South Wales government’s scientific advisers quit their job in protest.

Then there is this: just a few months ago the then federal environment minister, Josh Frydenberg, acknowledged, sensibly, that feral horses were “creating great damage” to parts of Kosciuszko National Park. Shortly after, he backflipped, approving the New South Wales government’s plan to protect these pests, saying he was confident the New South Wales strategy would ensure the management of horse numbers and

their impact on the environment. While recent events reflect that backflipping, and saying one thing one day and something entirely different the next is de rigueur for the federal government, this still beggars belief. It makes no sense and it is irresponsible, given that one government's decision stands to reverberate beyond New South Wales.

Indeed many people inside and outside Canberra are so outraged by the New South Wales government's legislation that they are walking all the way from Sydney to the summit of Mount Kosciuszko in protest. A number of Canberrans will be involved in the 35-day "Save Kosci" protest walk on 3 November, which is supported by the National Parks Association of the ACT and the Canberra Bushwalking Club. I encourage those who want to get involved to sign up on the website at savekosci.org.

Would any government prioritise foxes over biodiversity and wildlife? No. Would any government prioritise rabbits over biodiversity and natural wildlife? No. So why is the New South Wales government prioritising this introduced, feral species? It is because, embarrassingly, it has fallen victim to a romanticised notion of brumbies roaming through the high country, synonymous with Australian folklore, nostalgic folklore, such as Banjo Paterson's famous poem *The Man from Snowy River*. But if we are to protect the exact environment that Banjo Paterson describes—the "pine-clad ridges", the "rolling plains"—we cannot support the New South Wales government's legislation. To prioritise the nostalgic value of this introduced species over the need to protect our native fauna and flora is a huge mistake.

I call on members in this place to unite today in condemning the New South Wales government's legislation, and to call on the New South Wales government to reverse this careless decision. If the New South Wales government refuses to do so, the federal government should intervene.

This is about the ACT, but it is not just about the ACT. It is about our environment now, but it is also about the legacy we are leaving for future generations. The potential outcomes of one government's reckless actions on a sensitive environment covering a significant area that crosses borders are horrific and likely irreversible. Every action must be taken to ensure this irresponsible, stupid and poor policy is dumped. I commend the motion to the Assembly.

MS LEE (Kurrajong) (3.52): The natural environment and how we interact with and preserve it are a very important area for me as the shadow minister for the environment. The presence of brumbies in our region and how governments at all levels respond to them is an important topic.

But once again we have a motion from the Labor backbench that speaks to a need to say something, even if it calls for action regarding things that are fully outside the control of this chamber. This motion, which is almost essay length, speaks in great detail about New South Wales legislation. It speaks in great detail about New South Wales national parks and the number of feral animals that are, or could be, present there, and how, in plague-like numbers, these feral animals—pigs, dogs, foxes, rabbits, goats and horses—could cross into the ACT national park space. This is a very emotive motion, and I am sure Ms Cheyne has a target audience that she is wishing to

reach. However, perhaps a little less sentiment and a little more fact might be useful in this debate.

For a start, the motion talks of the Namadgi National Park crossing into New South Wales. It does, but then, of course, it is no longer Namadgi National Park and it becomes the responsibility and jurisdiction of the New South Wales government, just as legislation addressing an animal management issue in New South Wales is the business of the New South Wales government, not the ACT Labor backbench.

It may also come as a surprise to Ms Cheyne that even before we start worrying about rabbits, dogs, pigs, foxes and goats coming across the border from New South Wales—all as a consequence of the New South Wales government's approach to brumbies—we have our own rabbits, foxes, pigs, dogs, goats and deer already in sufficiently large numbers to keep our own rangers busy. And this does not even touch on our kangaroos.

I agree with Ms Cheyne insofar as the first section of her motion acknowledges Namadgi National Park and the work of the ACT Parks and Conservation Service in their protection of our environment. It is important that they continue to do this important work and receive the support of this chamber, as it has such a positive impact on our natural environment. Further, Namadgi National Park is a beautiful space that all Canberrans can enjoy, and the Cotter catchment area is a significant source of drinking water for our city.

The motion notes that yes, there may be additional pressures on the territory from feral horses. However, it seems to lack confidence in the ability of the ACT Parks and Conservation Service in dealing with the issue. Despite differences in legislation between the two jurisdictions, the ACT is able to look after itself, a concept that Ms Cheyne herself advocated strongly for only a few weeks ago. There are traps that have prevented brumbies from entering the territory for many years. Horse yards on the ACT side of the border are used to trap brumbies, with a surveillance system used to alert rangers when a horse is trapped. Over the past five years there have been no incidents, and no feral horses have been put down since 2007.

It is, however, a reasonable concern and a topic worthy of a line of questioning, which is exactly what I did during the estimates hearings in June. Mr Daniel Iglesias, Director of the ACT Parks and Conservation Service, assured the select committee that we are lucky in the ACT that we do not have feral horses because we have a really good program for spotting them. He also said:

... when we see activity across the border in Kosciuszko, we have a really good relationship with our colleagues in New South Wales National Parks and we say, "They're getting close," and they respond.

In that same hearing, in a response to a question from Ms Cheyne herself, Mr Iglesias said:

New South Wales have not said that they will not do control; it is just that they will not do lethal control.

Mr Iglesias made it clear that in the ACT, if horses were caught in ACT traps, they would be humanely destroyed. He also suggested that it might be appropriate for the ACT Parks and Conservation Service to sit down with their New South Wales colleagues and talk about how they should manage this issue in light of the changed legislation. Surely that is a far better approach than Ms Cheyne's call for this Assembly to "condemn the NSW Government's reckless legislation".

I note a suggestion in the *Canberra Times* today from Minister Gentleman that helicopter shooting might be considered. The outrage about the culling of brumbies in New South Wales national parks which led to this new legislation was a result of some very inhumane outcomes of helicopter shooting, so I sincerely hope it was merely a case of Mr Gentleman having a thought bubble. If it was the case, the minister should think long and hard about the impact of his words. I myself would prefer to rely on the advice and professionalism of Mr Iglesias to make such decisions if or when they were needed.

I am sure that this Assembly criticising the New South Wales government would be of little interest or concern to the New South Wales government. The minister for the environment advised the estimates hearings that he had written to the Deputy Premier, Mr Barilaro. Only last week, I wrote a follow-up letter to the minister to ask whether the Deputy Premier had replied to his letter. The minister conveniently replied yesterday. Like so many responses we get from ministers in this place, it was not particularly informative. But hey, we got a response, so small wins.

It seems that the minister is happy to be a lot more forthcoming to the *Canberra Times*. The article today refers to a letter Mr Gentleman received from the New South Wales environment minister, Gabrielle Upton, who acknowledged that there was evidence suggesting that brumbies were impacting on the environmental values of Kosciuszko National Park. Ms Upton insisted in the letter that finding a balance between protecting the environment and the heritage value of the brumbies was challenging, but possible. Ms Upton said:

The new NSW legislation provides the framework for delivering this balanced outcome. ...

The Act requires a wild horse heritage management plan be prepared that will identify where and how sustainable wild horse populations can be maintained.

Where populations need to be reduced, capture and rehoming will be a priority and fertility control methods investigated.

I have confidence in the hardworking ACT parks and conservation rangers who preserve the Cotter catchment area and make sure that the natural environment that we rely on stays as it should be.

It is disappointing that Ms Cheyne is ignoring other parts of the legislation and broader policy. The New South Wales government is allocating resources towards relocation, and should the population numbers of the horses increase too much, resources will also be put towards rehoming. It is disappointing, but not surprising,

that Ms Cheyne’s “go-to” response to something she does not like or agree with is to condemn it. I am told that a number of brumbies have been rehomed and broken in and are providing much enjoyment to recreational horse riders in the ACT and surrounding areas.

Ms Cheyne dedicates much of this motion to outright condemnation of the New South Wales government and its legislation, without considering other factors and viewpoints. A core aim of the Kosciuszko National Park Wild Horse Heritage Act is to recognise the cultural and heritage value of a sustainable wild horse population within the Kosciuszko National Park. Perhaps Ms Cheyne may not like to admit it, but we do share history and culture with our friends from across the border.

It is disappointing to see the Labor backbench take cheap digs at the New South Wales government and totally disregard the cultural significance of brumbies to this region of Australia. We all share a common history and cultural connection in Australia. Further, I would hope that Ms Cheyne would have a little more confidence in the work of the ACT Parks and Conservation Service. The wording of her motion does not indicate that to be the case.

In saying that, Madam Assistant Speaker, I thank Ms Cheyne for bringing this motion to the Assembly, insofar as it gives me the opportunity, on behalf of the Canberra Liberals, to thank Mr Iglesias and our rangers and officials from ACT parks and conservation for their hard work and dedication to preserving our natural environment. Our parks and green spaces are a big part of what makes Canberra great, and the ACT Parks and Conservation Service work hard to ensure that future generations will be able to enjoy them. I hope that the ACT and New South Wales governments—and any other relevant jurisdiction—can work together on managing brumby populations in the future.

For the record, the Canberra Liberals are not in the practice of condemning everyone who does anything we do not like or do not agree with. We would propose that on the issue of brumbies in our region, the approach suggested by Mr Iglesias, clearly the more qualified in this area, is preferable to the condemnation called for in this motion. On that basis, the Canberra Liberals oppose the motion.

MR RATTENBURY (Kurrajong) (4.01): This is an important topic that we are discussing today. Despite Ms Lee’s commentary, it is actually one directly relevant to the ACT, because our porous borders mean that the decision taken by the New South Wales government will have an impact on the ACT and will mean that the ACT Parks and Conservation Service will have to do additional work. I do not doubt their ability to deal with this matter, and they have done it very effectively over the years, but why should they have to do further work, have to put in place extra resources, because the New South Wales government has taken a poorly informed decision that is bad for the environment? That is the situation we are facing here.

The Greens will be supporting this motion because we think it is right that we acknowledge this and we make our views very clear to the New South Wales government: that we do not support the legislation they have put in place. The New South Wales government should reverse their decision because they have made one

that is in defiance of scientific advice and in defiance of good environmental outcomes.

Scientific research shows that brumbies do substantial environmental damage. The biggest impact they have is on waterways, swamps and bogs, which are particularly sensitive environments compared to some others. The brumbies dig out and churn up waterways and wetlands. This can drain the wetlands; it can cause erosion; it can reduce water quality. These all have significant negative impacts on the environment.

I have witnessed this damage firsthand myself, and I have been shown extensive images of other parts of Kosciusko National Park, in particular, that I have not seen by people who have spent many years up there, members of the National Parks Association and other concerned citizens who have documented the impacts that brumbies can have when they are free to roam in our high national park areas that are particularly sensitive.

We know that the alpine national parks contain slow-growing species because of the extreme environments that they are present in. This has an impact not only directly on the species themselves but on the whole of the ecosystem. For example, the endangered northern corroboree frog requires these sorts of areas, the wetlands, bogs and waterways, for their summer breeding habitat. There are only three populations left of the northern corroboree frog. One is in Namadgi National Park at the Ginini flats wetlands complex. Brumbies could cause very significant damage to the Ginini flats wetlands should they spend significant amounts of time in there.

Let me put that in context. When we talk about the northern corroboree frog, we must realise that it is one of those species that is right on the edge. It is one that we are battling to protect and to preserve, to ensure that it does not go extinct. If the horses were to get into that wetland, they would potentially have a significant and dramatic effect on those remaining limited populations of the northern corroboree frog. It is just a risk we should not be taking. If the New South Wales government, in taking this decision, do not effectively manage feral horses through the areas that they are responsible for, the prospect of that impact is raised.

When it comes to the impact of the New South Wales legislation on the ACT, we know that ecosystems do not stick to human borders. It is a bit of a cliché, but it is one that is worth reiterating in this context. Small groups of brumbies can make their way into the ACT. I have had the opportunity to look at the areas just over the border in New South Wales, and I was shocked—this was back in 2012—by the number of horses roaming through the valleys just across the range on the other side in New South Wales. There were incredible numbers of horses in those areas.

The New South Wales decision simply increases the opportunity that these will spill over into the ACT. If they are not managed and controlled, the populations will go up and we will see the potential for more of those horses to get into Namadgi and, despite the best efforts of our rangers, have detrimental impacts on the sensitive environments in Namadgi National Park. We therefore support the calls in the motion.

I note that the New South Wales legislation was opposed by the New South Wales Greens, as I would expect. They raised significant concerns in the debate in the New South Wales parliament. I particularly want to touch on two issues today. One is heritage and one is animal welfare.

When it comes to heritage, some people see brumbies as part of Australia's heritage. However, the environmental damage they do is unacceptable. The New South Wales government needs to find a way to protect the heritage without trashing the environment. It is important to reflect on what heritage we are talking about here, of course. Yes, the feral horses have been in Australia for a couple of hundred years, at the most, but we are talking about landscapes that have formed over millennia that are unique. They are endemically Australian and they are the ones that we, as the current generations, are the custodians of and have a responsibility to protect.

I should also reflect briefly on the animal welfare issues. Governments at times do need to make difficult decisions, and culling brumbies will have some animal welfare impacts. It is a process that none of us would ever like to have to undertake, but it is one that is necessary. The alternative is unacceptable damage to the ecosystems and our native wildlife—as I have touched on, many of them threatened species—and very sensitive environments. To allow the brumbies to simply roam freely through these areas is not something that we can simply stand by and allow to happen.

The culling does need to be done as humanely as possible. I know that that has been one of the stated concerns about particularly aerial culling, but we also need to ensure that we are able to put an effective program in place. This is where we need to defer to scientific advice and animal welfare experts on the best way that that can be done. The approach of the New South Wales government has not done either of those things. It is deeply regrettable that they have put in place the legislation that they have.

In summary, I would simply say that the New South Wales legislation is problematic. It will impact on the ACT. It is poorly thought through. It has not been taken on the best scientific advice available. As Ms Cheyne notes in her motion, the fact that the key New South Wales scientific adviser has resigned in protest at this decision reflects the lack of a scientific basis for this decision.

We will be supporting Ms Cheyne's motion today. She has laid out the issues very well: the importance of Namadgi National Park as part of the Australian Alps national parks, the impact that feral species can have, and the particular impacts of feral horses. I have touched on that in my remarks today. She noted the situation in New South Wales and the significant number of eminent organisations that have condemned this decision, including the International Union for Conservation of Nature, the Nature Conservation Council of New South Wales, the Australian Academy of Science and the National Parks Association of New South Wales. Despite the somewhat disdainful commentary that Ms Lee gave in her remarks, I prefer to take the advice from those organisations than from Ms Lee when it comes to these matters.

I also note the comments in the motion about the increasing risk of feral horses entering neighbouring jurisdictions such as the ACT. It has probably been the key

focus of my remarks that I think this is of significant concern. Minister Gentleman's remarks in the paper today reflect the prospect that the ACT faces if this matter is not better managed by New South Wales.

We join in the call of condemning the New South Wales government's reckless legislation, and we call on them to reverse it. We will take whatever opportunities we can to make that case, both directly ourselves and in partnership with our Greens colleagues in New South Wales, and, in joining this motion, send a message of significant importance to New South Wales about the concern that we have, urging them to reverse their decision and take a more scientifically and ecologically based approach to dealing with this issue.

MR GENTLEMAN (Brindabella—Minister for the Environment and Heritage, Minister for Planning and Land Management, Minister for Police and Emergency Services and Minister assisting the Chief Minister on Advanced Technology and Space Industries) (4.10): I think Ms Cheyne for bringing this important motion here today. Namadgi National Park is the jewel in the crown of the ACT's conservation estate. The mountains of Namadgi, which are so recognisable as the backdrop to our city, also form the northernmost outpost of the Australian Alps national parks. Declared in 1984, the park protects these magic, rugged mountain ranges and the many plants and animals which make their home in that place. Of course, the territory protects more land for conservation as a percentage of total land than any other jurisdiction, about 65 per cent, and Namadgi National Park forms the largest component.

The plants and animals of Namadgi have been important to humans for tens of thousands of years. They were a source of sustenance, shelter and wellbeing for Aboriginal people who lived amongst these mountains. Indeed the Ngunnawal culture, alive and thriving to this day, owes much of its richness to the mountains and valleys of Namadgi National Park.

Today the subalpine or alpine environments are rare in Australia. In fact, they only make up 0.15 of one per cent of the continent. These regions protect some of our unique plants and animals which are found nowhere else. In the ACT the brilliantly marked northern corroboree frog persists in very low numbers amongst the sphagnum bogs protected by Namadgi's high country.

We humans share something in common with this beautiful frog. We very much rely on the protection of the sphagnum bogs and the protection of our subalpine streams, as these systems provide us with one of the best and most reliable drinking water sources in all Australia. I speak of course of the Cotter River catchment, which is the primary source of drinking water for the Canberra region. Protecting the integrity of the Cotter River catchment is a primary management objective of the ACT government.

Since 1986 Namadgi National Park has been managed cooperatively as part of the network of reserved areas known as the Australian Alps national parks, as I mentioned earlier. The cooperative management approach is now under threat with

the recent legislation passed by the New South Wales parliament to remove lethal control of feral horses as a management tool in Kosciuszko National Park.

The large and growing feral horse population in New South Wales adjacent to Namadgi National Park poses a significant threat to the ACT's biodiversity assets and to Canberra's water catchment. The boundary between the ACT and northern Kosciuszko, where horse density is highest, is readily traversed by horses. As such, this decision by the New South Wales government threatens to set back what we have achieved to date in controlling feral horses and managing their impacts. With their hard hooves, large body weight and the requirement for large quantities of grass as feed, feral horses are capable of causing considerable damage to the fragile subalpine ecosystems, particularly the sphagnum moss bogs and streams that filter our water supply and provide habitat for the endangered corroboree frog.

The ACT has put considerable effort into controlling horses within our national parks and other protected areas. Today feral horses in the ACT are managed in accordance with the 2007 Namadgi National Park feral horse management plan, which has a very clear goal: to prevent the re-establishment of feral horse populations within Namadgi National Park. Under this plan, which permits all recognised best practice techniques of management, 24 horses were removed from the park between 2007 and 2011. I just want to reiterate that number: 24 horses in the park have been removed between the years 2007 and 2011.

Presently there are no feral horses known to be residing within Namadgi National Park, with only an occasional transient animal present in the vicinity of the border. Current management effort is focused on surveillance and monitoring to detect new incursions before they can re-establish. The current population of feral horses within Kosciuszko National Park is approximately 6,000 animals.

I want to reiterate those numbers that I talked about earlier: 24 horses in Namadgi, have been removed between the years 2007 and 2011 and in Kosciuszko we see 6,000 horses. A significant number of these animals are in the north-east of the park in the Currango Plain or Tantangara area bordering the ACT. Monitoring within New South Wales indicates that this population is growing, with increased likelihood of horses dispersing into the ACT and a heightened risk of populations establishing within the upper Cotter catchment.

To date horses in the ACT have been controlled by luring them into trap-yards with salt ticks, where they are sedated and then euthanased with firearms, and carcasses removed for burial. Populations to date have occurred in remote areas only accessible by helicopter. This style of program has been manageable for the relatively few horses removed. Since 2007 the sensitive issue of aerial shooting, though still regarded as a humane option, has not been required to be used.

However, if horse populations in Namadgi National Park were to significantly increase by animals dispersing from a growing population in Kosciuszko National Park, our current methods would quickly become impractical and it is likely that aerial shooting, which is the secondary option under the current Namadgi National Park feral horse management plan, would need to be introduced. There would be also

financial implications for the ACT if feral horses were not controlled in New South Wales, with the costs of managing feral horse incursions into Namadgi, from Kosciuszko expected to rise in future years.

The ACT government has not been sitting on its hands. Since the introduction of this legislation I have written to both the Deputy Premier of New South Wales, the Hon. John Barilaro MP, and the New South Wales Minister for the Environment, the Hon. Gabrielle Upton, expressing my concerns about the Kosciuszko Wild Horse Heritage Bill and the threat it poses to the ecological communities of Namadgi National Park and the quality of Canberra's water supply.

I have asked directorate officials to advise me further regarding the possible application of the commonwealth's Environment Protection and Biodiversity Conservation Act 1999, particularly given the potential for the degradation of the northern corroboree frog habitat from feral horse incursions from New South Wales.

The ACT Scientific Committee, the statutory body that advises me on matters in relation to nature conservation, has also expressed grave concerns regarding the impact of the bill and wrote in support of the New South Wales Threatened Species Scientific Committee who had proposed to list habitat degradation and loss by feral horses as a key threatening process in New South Wales.

The move by New South Wales to restrict the control of feral horses puts it at odds with every other jurisdiction in Australia and internationally. The primary objective of the International Union for Conservation of Nature—or IUCN—for national parks is to protect natural biodiversity, along with its underlying ecological structure and supporting environmental processes, and to promote education and recreation.

Although there may be some cultural aspects of horses in protected areas, these are not compatible with the need to protect large-scale ecological processes and the species and ecosystems characteristic of our national parks and with the thousands of years of Aboriginal culture that valued the integrity of the mountains and plants and animals that live there. Where is the concern for the impact of feral horses on Aboriginal culture that can show an unbroken link to the mountains for tens of thousands of years?

Despite the reckless action of the New South Wales government to protect the feral horses in Kosciuszko—actions akin to pirates on the high sea, “Arrgh, me hearties, let's just stuff the science”—the ACT will continue to work cooperatively with the New South Wales National Parks and Wildlife Service to prevent the feral horses establishing in our territory's subalpine environments.

I do need to quickly talk about Ms Lee's comments earlier. I find it extraordinary that the shadow minister for the environment would protect the bad decisions of the New South Wales government over protecting the environment of the ACT. She has failed to stand up for the territory. Since the announcement by New South Wales I do not think we have heard the shadow minister criticise the actions of her Liberal colleagues across the border.

Today she was given a chance to rectify that but she did not. She had the opportunity to stand up for the territory but she has failed. It is clear that the shadow minister is nothing more than a branch of the New South Wales Liberal Party, the party of Scott Morrison and Tony Abbott. The shadow environment minister is more interested in disparaging the strong actions being taken by this government than in standing up for the environment. It begs the question: is Ms Lee the shadow minister for the environment or the shadow minister against the environment? Given the actions of other Liberal ministers nationally, I think we know the answer.

Unlike the Liberals and others, Labor will continue to protect our environment and I thank Ms Cheyne for this important motion. I did want to talk about Ms Lee's comments too in regard to rangers but I have run out of time. (*Time expired.*)

MS CHEYNE (Ginninderra) (4.20), in reply: I would like to thank members for their comments today, particularly Ministers Rattenbury and Gentlemen whose comments were sensible and factual. I should not have to but I will also take some time to respond to Ms Lee's comments.

Yes, this is a motion in the ACT speaking to the decisions of another parliament but the opposition really needs to stop obsessing about whether this is appropriate or not. It is just getting silly and is frankly embarrassing as an argument. If Ms Lee wants to talk facts, here is a fact: decisions of other governments do impact on us. We do have a responsibility to our people and to our environment for standing up when other governments make decisions that negatively impact on us. Whether it is marriage equality, territory rights or protecting the environment from feral animals, the opposition consistently has form in not standing up for this jurisdiction.

But today is particularly surprising. You might be forgiven for missing it, thanks to her confected outrage, but today the opposition has advocated for doing nothing about a very serious feral animal. The shadow environment minister, or, as Minister Gentlemen said, the shadow minister against the environment, has advocated doing nothing about a very serious feral animal.

I fundamentally reject Ms Lee's assertion that this motion reflects on the National Parks and Wildlife Service in any way. As usual, Ms Lee has taken a very convenient approach in both ignoring the speech that I gave and being very selective in what she quoted from estimates. I remind her that the manager of ACT Parks and Conservation Service, Brett McNamara, said he was gutted and described the legislation as terrible.

This is not about the capability of our parks and conservation service, which does an excellent job; it is about the enormous pressure that is going to be put on them and it is about distracting them from their other efforts to control feral animals, which Ms Lee did rightly note by adding another which she advocated for. We are not talking about a handful of horses here; we are talking about hundreds. Horses breed. They double their numbers every few years. That is going to put enormous pressure on our government and other governments as well.

I am pretty gobsmacked, to be honest. I really expected better. But as Minister Gentlemen noted, the Canberra Liberals not standing up to their colleagues, whether they be in the federal parliament or the New South Wales parliament, particularly when it comes to this place, is pretty embarrassing. But they do have form.

As we have heard today, the New South Wales government's Kosciusko Wild Horses Heritage Act 2018 is an absolutely reckless piece of legislation. It is an unprecedented plan, it is a plan we were not consulted on and it puts Namadgi National Park under threat. It threatens to cause significant environmental damage that will impact flora, fauna and the people of Canberra. It threatens to endanger native wildlife and plant life. It threatens to impact our drinking water, it threatens our efforts to keep feral horse numbers under control and potentially is going to have a greater impact on our ability to keep other feral animals under control as we are distracted by this.

This New South Wales legislation was drafted and passed in opposition to expert advice and evidence. It was condemned by eminent conservation and scientific organisations. As we have noted, it sparked the resignation of a scientific adviser to the government.

We know the risks of feral horses in our country and that the opposition today has chosen to ignore those risks that are going to impact on the ACT when they have chosen to defend the New South Wales government for reckless legislation is just appalling, and I hope that they seriously reflect.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 11

Noes 8

Ms J Burch	Mr Pettersson	Miss C Burch	Ms Lee
Ms Cheyne	Mr Ramsay	Mr Coe	Mr Wall
Ms Cody	Mr Rattenbury	Mrs Dunne	
Ms Fitzharris	Mr Steel	Mr Hanson	
Ms Le Couteur	Ms Stephen-Smith	Mrs Kikkert	
Ms Orr		Ms Lawder	

Question resolved in the affirmative.

School underperformance—proposed inquiry

MS LEE (Kurrajong) (4.30): I move:

That this Assembly:

(1) notes that:

- (a) teachers in Canberra schools work hard to support all students to reach their fullest potential and should be acknowledged for their dedication;

- (b) in 2016 the ACT Education Directorate commissioned a study by Professor Stephen Lamb (the “Lamb Report”) to analyse the academic performance of ACT government schools;
 - (c) the Lamb Report found that ACT government schools on average achieved negative results on every measure;
 - (d) in 2017 the Australia Institute produced a report into the performance of the ACT education system and called for a public inquiry;
 - (e) in 2017 the ACT Auditor-General published a report (the “Auditor-General’s Report”) on performance information in ACT government schools;
 - (f) the Auditor-General’s Report found that the majority of ACT government schools’ NAPLAN results were lower than similar schools in Australia, and that “since 2014 reviews of ACT government schools had consistently identified shortcomings” and these shortcomings “indicate a systemic problem”;
 - (g) in August 2018 two researchers from the Australian National University (ANU) published a working paper on academic underperformance in ACT schools (the “ANU paper”); and
 - (h) the ANU paper found that when NAPLAN results of ACT schools were compared with schools from similar socio-economic profiles a large number of ACT students were, on average, more than six months behind the levels of learning; and
- (2) calls on the ACT Government to:
- (a) acknowledge the overwhelming evidence provided over the last three years of academic underperformance in ACT schools and must be addressed as a matter of priority;
 - (b) establish an independent inquiry into underperformance in ACT schools to:
 - (i) ascertain the reasons for academic underperformance in ACT schools; and
 - (ii) make recommendations for improving academic performance in ACT schools; and
 - (c) publish the terms of reference for the inquiry by the last sitting date in October 2018.

Since taking on responsibility for education on behalf of the Canberra Liberals I have met with many parents, students, teachers and other education professionals. I have visited many ACT schools—government and non-government—and without doubt every school that I have visited or which has been selected by the minister’s office for me to visit has been impressive, as they are intended to be.

They have dedicated, hard-working teachers, engaged students, bright and colourful classrooms and a positive can-do leadership team. As my motion leads with, teachers in Canberra schools work hard to support all students to reach their fullest potential and should be acknowledged for their dedication. And I make that acknowledgement now on behalf of the Canberra Liberals.

But, as my motion also goes on to highlight, in the past three years at least there have been no fewer than four reports all independently researched that paint a serious picture of academic underperformance in our schools.

The first, prepared by Professor Stephen Lamb, was commissioned by the ACT Education Directorate. That report says on page 4:

State and Territory results show that after taking account of intake and context differences, ACT government schools on average achieve negative results on every measure.

That is pretty damning. However, I cannot tell if it is the least or most alarming finding in the report, because large swathes of it are blacked out, and that is the report that this supposedly openly transparent government has published on its directorate website.

Neither can I say what recommendations Professor Lamb made to the ACT government because they also appear to be redacted. In fact, the report is so sensitive that even the header which generally sets out the title of the report is redacted. So much for openness and transparency in our education system. If this was not bad enough, the most alarming thing is that there appears to be little evidence that the ACT government took any notice of the findings in the report.

In fact, the Lamb report was not the first to raise alarm bells about just how good or otherwise ACT schools were. The Australia Institute presented their paper to the ACT government in 2015, but the authors made it public in 2017 out of sheer frustration that the government was doing nothing with it and nothing about what they saw as how badly well-off Canberra schools fared against corresponding schools of similar socioeconomic profiles. In fact, they suggested that in 41 per cent of cases ACT schools were significantly below other schools.

At the time of the public release in July last year the Australia Institute's Andrew Macintosh said the ACT government's ongoing future of education community conversation was not enough. The *Canberra Times* quoted him as saying:

Given that things are getting worse, there is a desperate need for a public, detailed inquiry to find out exactly what is going on.

The Australia Institute suggested two possible explanations for poor results in the public system: the socioeconomic scores used by the Australian Curriculum and reporting authority, ACARA, did not capture the true profile of the ACT making the comparisons inaccurate; or teaching practices were to blame.

The government ignored those findings and ignored the call for a detailed public inquiry to find out what is going on. So last Friday the same Professor Macintosh reiterated his frustration, again calling for more research to be done to come to grips with the causes of underperformance in ACT schools.

If further evidence were needed, the ACT's own Auditor-General in May last year also came to the conclusion that ACT government schools on average achieve negative results on every measure. She found that:

ACT public schools are performing below similar schools in other jurisdictions despite expenditure on a per student basis for public schools being one of the highest in the country. Since 2014 reviews of ACT public schools have consistently identified shortcomings in their analysis of student performance information and their use of data to inform educational practice. These shortcomings indicate a systemic problem.

Three reports in three years, all ringing alarm bells and indicating that the oft-quoted claim about the superior performance of ACT schools is a folly. In fact, if you count the lengthy detailed submission to the ACT education committee inquiry by Mark Drummond, well known for his passionate belief in the importance of education, that makes it four damning reports.

How does the minister respond to these concerns from recognised, credible researchers? Well, like any poor workman, she blames the tools. She sticks to her prepared script, which the *Canberra Times* quoted in their editorial on Monday of this week, namely, that Canberra remains typically the highest or equal highest performer in the vast majority of assessment domains and year levels. When challenged about declining NAPLAN results she attacks the test as a trigger for stress, anxiety and depression among students. She is, not surprisingly, supported by the ACT AEU, who confidently assure me that NAPLAN is dead.

And if four damning findings were not enough, wait—there's more. The ANU working paper by Professor Macintosh and Deb Wilkinson published last month makes a compelling case and confirms what the 2015 Australia Institute paper tried to tell the government. They point out that domestic and international research has repeatedly demonstrated that the academic performance of students is influenced by their socioeconomic background, that is, the occupation and educational level of parents and carers.

Owing to the influence of these factors, the NAPLAN performance of schools should be compared with other schools that share similar socioeconomic profiles. When you do that, and compare apples with apples, ACT schools are clearly not up to scratch.

Their 2015 report compared the performance of high socioeconomic status primary schools—government and non-government—in the ACT with statistically similar school groups and identified a pattern of repeated underperformance over the period 2008-16. The extent of the apparent underperformance was most acute in high schools and in writing and numeracy.

The 2018 paper found the same issues. The report says the analysis of the relative NAPLAN performance of government and non-government schools in the ACT supports the following conclusions: there was systemic underperformance in government primary and high schools in NAPLAN over the period 2012-16; the underperformance was most pronounced at the high school level and in writing and

numeracy; the underperformance was relatively consistent across low, middle and high socioeconomic schools; and the performance of government schools did not show any signs of improvement over the study period, if anything, there was a slight deterioration in performance in numeracy.

More concerning is their claim that the ACT government has been aware of this underperformance of government schools in NAPLAN since at least 2015, and according to the Auditor-General perhaps even as early as 2014. However, the latest findings suggest that the problems are more widespread than previously thought, extending across the socioeconomic spectrum.

But before the minister gets up and starts her well-known disdain for NAPLAN and blaming it as the source of all ACT education failings, let me point out that NAPLAN is not the only testing tool used in ACT schools and not the only one that has shown declining performance.

On the international stage Australia has been ranked 39 out of 41 high and middle income countries in achieving quality education according to the United Nations Children's Fund report card. They found that Australia is falling behind in basic measures of teaching and learning. Only Romania and Turkey were ranked below Australia in education in UNICEF's report.

What does the OECD's PISA testing say about Australian schools? PISA looks at the performance of 15-year-olds in reading, maths and science as well as quality and level of access to early schooling in 41 European Union and OECD countries. The 2017 PISA testing report showed that ACT students' results are declining in real terms. Earlier PISA testing indicated similar declining results.

In December 2016 PISA, which is the major global test of students' achievement, revealed just how far Australian high school students are behind their peers in the world's best performing countries. The report found that only 71.7 per cent of Australian 15-year-olds are achieving baseline standards in the three key areas of education based on the latest PISA assessment, and only 80.3 per cent of children are attending organised preschool learning for at least a year according to 2014 figures.

The 2015 report showed the average ACT 15-year-old maths student was one and a half years behind where they were in 2003. In scientific literacy ACT students were eight months behind where they were in 2006. In reading they were one and a quarter years behind where they were in 2000. From 2003 to 2015 the percentage of high performers in mathematical literacy has dropped from 27 per cent to 14 per cent. These results are replicated in the ANU paper released in August of this year. So our declining NAPLAN results are echoing what other international testing is telling us.

Since the 2017 PISA report and following the ACT Education Directorate's own commissioned research, what has the minister done? Well, Ms Berry outlined in the Assembly last sitting what she had been doing in her future of education paper. She said she had had thousands of conversations with students, parents and teachers, but what has she learned and what is actually being done? There is little evidence of actual substance in her strategy. She said:

I am happy to outline today that a big conversation has in fact been had and the product of this conversation is a future of education strategy that lays out a road map for work over the coming 10 years ... The ACT education system of the future will be personalised to each child. It will celebrate difference. It will take a holistic view of the people it serves—our children and our young people.

The 10-year road map? Does that road map acknowledge the work that has already been done by now—the five different reports that outline the ACT’s declining academic standards? Does that 10-year road map acknowledge repeated calls for a review into performance standards in our schools as a matter of priority?

When the 2015 PISA results were made public, the minister suggested that she would explore the information. But she went on to say that Canberra is significantly above the Australian average and our declining performance is replicating similar trends in other jurisdictions. Then there is the other tested method: “Oh, but the other jurisdictions are just catching up to us.”

That makes it okay, then, does it? While ever we are ahead of other states it does not matter that we are now 39 out of 41 countries in education on global standards? It does not matter that our maths students are one and a half years behind where they were in 2003? And it does not matter that our percentage of high performing students in maths has almost halved from 27 per cent to 14 per cent over 12 years?

Apparently it does not matter because, Madam Deputy Speaker, it is not her fault. The minister prefers to hide behind union objections to standardised testing, especially NAPLAN, and refers to talk instead of how wicked NAPLAN is. When pushed, it is either a line including the magic fix-all word “equity” or, another line she repeats, “Every one of our schools is great.” If the minister cannot even acknowledge that there is a serious and systemic academic underperformance in ACT schools, what hope do Canberra parents, students and the broader community have that she will actually do something about it?

The minister fails to understand that whether it is NAPLAN or any other assessment tool they are simply indicators of whether we are on the wrong track. For too long we have been on the wrong track. The minister fails to acknowledge the overwhelming evidence of our slipping academic standards in the time ACT Labor has been in charge of education in the ACT.

The minister fails to understand that equity is not the catch-all buzzword miracle answer to everything in our education system. The minister fails to acknowledge that we are now currently 39 out of 41 countries in terms of educational outcomes in the OECD. And in failing in all these areas, she fails our future generation.

The ACT needs a teacher-led, student-focused education system that will teach our students the fundamentals of literacy and numeracy, equip them with the skills they need for the future and foster a culture and expectation of rigour and excellence in education. Anything less is just not good enough.

The starting point must be an independent review into where we are going wrong with academic performance. A review that will get us to the heart of why we are not

performing. A review that will set milestones to achieve better academic outcomes. I commend my motion to the Assembly.

MS BERRY (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (4.45): I do not accept that there is a need for an independent inquiry as called for in Ms Lee’s motion, and I note that there has been a large volume of independent and expert consideration of the issues as well as a current Assembly inquiry into standardised testing in ACT schools.

I move:

Omit all text after “That this Assembly”, substitute:

“(1) notes that:

- (a) teachers in Canberra schools work hard to support all students to reach their fullest potential and should be acknowledged for their dedication;
- (b) in 2016, the ACT Education Directorate commissioned a study by Professor Stephen Lamb (the ‘Lamb Report’) to analyse the academic performance of ACT government schools;
- (c) in 2017, the Australia Institute produced a report into the performance of the ACT education system and called for a public inquiry;
- (d) in 2017, the ACT Auditor-General published a report (the ‘Auditor-General’s Report’) on performance information in ACT government schools;
- (e) in August 2018 two researchers from the Australian National University (ANU) published a working paper on academic underperformance in ACT schools (the ‘ANU paper’); and
- (f) the Standing Committee on Education, Employment and Youth Affairs is currently undertaking an inquiry into Standardised Testing in ACT Schools; and

(2) further notes:

- (a) the Government has proactively inquired into the relative performance of ACT schools with statistically similar schools across Australia, including leading to the Lamb Report;
- (b) the Government has responded to the Auditor-General’s Report and is implementing its recommendations, and has appropriately considered the Lamb Report, ANU paper and report of the Australia Institute; and
- (c) the Minister for Education and Early Childhood Development has initiated and is leading a national review of NAPLAN reporting through the Education Council;
- (d) the Government undertook an 18 month deep, iterative community consultation process leading to the Future of Education Strategy, supported by robust research evidence;
- (e) the Future of Education Strategy provides a roadmap for continued focus and investment;

- (f) the Government is currently developing implementation plans for the first phase of the Future of Education Strategy in consultation with key stakeholders including government and non-government school and system leaders, the ACT Teacher Quality Institute and the Australian Education Union; and
 - (g) the Future of Education Strategy is fundamentally based in educational equity because this is key to ensuring all students achieve the best possible school outcome; and
- (3) calls on the ACT Government to:
- (a) continue to develop Future of Education implementation plans in consultation with government and non-government schools; and
 - (b) report back to the Assembly on the Future of Education implementation plans, including measures aimed at lifting academic performance, during the February 2019 sitting.”.

I am disappointed to again be speaking in this place in response to yet more ill-informed remarks from the shadow education minister contained in her speech as well as in the media releases on this motion. I will start with clarifying the comments that Ms Lee made with regard to the Lamb report and the areas that were blacked out. They were blacked out because some of the data relates to information from other jurisdictions and was obtained under strict confidentiality. I believe that Ms Lee was made aware of that and the reason for those blackouts. But, clearly—as she has been doing all this afternoon in speaking to Ms Cheyne’s motion on brumbies—she is just starting to make stuff up now.

This government, and I as minister, have a long, proud history—

MADAM DEPUTY SPEAKER: Could you repeat what you just said?

MS BERRY: Which part?

MADAM DEPUTY SPEAKER: You said something about Ms Lee making—

MS BERRY: Making stuff up?

MADAM DEPUTY SPEAKER: I think that that reflects on Ms Lee’s honesty. I would like you to rephrase that.

MS BERRY: Okay. Thank you for your advice, Madam Deputy Speaker. But I do need to ensure that all of the information is told and not just bits of it. That is the reason why I needed to clarify the reasons for the blacked out parts, and refute the implication that Ms Lee made that there was some secrecy around that. It is there for good reason.

This government has a long, proud history of prioritising school education in the ACT. Ms Lee may not value education, may view education as a cost and criticise the government for funding public schools at the schooling resource standard, the only

Australian government to do so. But I see education as an investment: an investment that should deliver great opportunities for all of our students.

One of the very first issues I turned my mind to in taking the education portfolio is educational equity. This is a term that Ms Lee says she does not understand, and I am not surprised. But most decent people in our community do get it. It is not hard to understand. As associate dean of research at Monash University Laura Perry notes, there are three relevant dimensions: opportunities, things like access to resources and quality teachers; experiences, things like engagement, sense of belonging, classroom interactions and relationships; and outcomes.

Equity of outcomes is vital and is very often the key focus. But as well as achieving equity in opportunities and experiences, lots of research evidence shows that excellence and equity in education are entwined. The OECD, for example, states that the highest performing education systems across OECD countries are those that combine quality with equity. The highest performing education systems, like Finland's, do not waste their time in considering data. They get on with the job of giving their children a great education.

One of the defining characteristics of a fair and just society, the kind of society that this side of the chamber believes in and strives for, is that all individuals have equal opportunity to realise their potential, irrespective of the circumstances in which they are born or that they face. So it should come as little surprise that over my time as minister I have focused on equity. Part of that has been ensuring that every student has equal access to modern tools and facilities required for learning, like Chromebooks; equitable access to early learning before school; and support for positive school culture through, for example, the government's significant investment in school psychologists. But I have also been focused on making sure that all students are achieving positive outcomes and go on to a decent adult life. I make no apology for centring the focus on children and young people experiencing disadvantage, because these are the people who need the most support in our community.

The government has acknowledged for a long time the need to support academic achievement in schools and has been interrogating the issues and acting on good evidence as it becomes available. It was the government's acknowledgement of the potential unequal outcomes among this group that led to the Lamb report. That report flowed into the Auditor-General's report, an independent inquiry and report to which the government agreed in principle to six of the seven recommendations and noted one.

The government welcomed the advice and recommendations of the Auditor-General, and since the report's release, even prior to formally responding, the government has been implementing a range of initiatives arising from or relevant to the report's recommendations and findings. For example, flowing from these reports the government has acted to implement evidence-based, data-driven improvement to literacy teaching practice through working with Christine Topfer, a respected literacy learning expert, on the early years literacy project. Separately from these reports, the government has been supporting the excellent work of Tim Lowrie, who has been

exploring with ACT schools how improved spatial awareness among students can support learning in mathematics.

In the recent budget the government allocated \$9.2 million over four years to make an immediate start on providing the best possible teaching in every classroom, every day, as well as enabling continued development of long-term strategic reforms. Among the initiatives funded is working to build teacher capability in literacy and numeracy and investing in ensuring that school leaders can provide effective coaching and mentoring to their teachers. The ACT government is also growing its relationship with the University of Canberra to provide teachers with opportunities for professional learning through research collaboration, growing the University of Canberra as a centre for excellence in teaching.

As I have said repeatedly in this place, in public media and in written documents, literacy and numeracy are vital foundations to all of the learning that follows in a student's education. So I find it strange, given the work and investment of the government, to hear Ms Lee state that I and the government consider literacy and numeracy to be redundant. Her remarks are completely untrue. It is possible for the government and schools to walk and chew gum. Improving literacy and numeracy, teaching and learning can happen alongside a vital focus on general capabilities and the 21st century skills our children and adults need for success. In fact these areas of learning are complementary.

Unavoidably relevant to the issues of school performance is NAPLAN as a performance indicator. Members know of my concerns, which I share with many in our community, about it and, importantly, the inappropriate use of its data. I have initiated through the education council, with the support of most of my colleagues from both Labor and Liberal governments, a review of NAPLAN reporting and data presentation.

Among the government's concerns is the accuracy of comparisons in the "statistically similar schools" found on the My School website and the associated ICSEA measure. In addition to the potential for jurisdictional differences in the value of ICSEA, which has been acknowledged by the Australian Curriculum, Assessment and Reporting Authority, there are compositional differences between notionally similar schools, such as a large proportion of high ICSEA schools moderated by a small proportion of low ICSEA students, compared to the more typical picture of a high proportion of medium-level ICSEA students in ACT schools.

It is entirely appropriate and prudent for the government to interrogate the reliability of data and measures used to assess school performance. Support for that comes from across the school system, including independent and Catholic schools. So while the contributions of the ANU paper and the Australia Institute report, which were produced by the same authors, are being given due consideration by the government, the underlying assumptions in their analysis are also being appropriately scrutinised. I note that the lead author of this report informed an Assembly committee last week that he is not an education policy expert and does not have any real insight into or basis upon which to comment on whether standardised testing approaches are good, bad or indifferent.

Regardless, the issues in Ms Lee's motion are no surprise to the government, and the government has already been responding responsibly. The government undertook an 18-month deep, iterative community consultation process leading to the future of education strategy, because I believe in the vital importance of governments working with community rather than doing things to the community. This process was overseen by a small panel of expert community partners. The process was supported by robust research into evidence of what is required for a high performing, equitable education system. I look forward to releasing reports about the consultation process and research evidence later this year.

The resulting future of education strategy provides a road map for continued focus and investment. It is not a narrow list of actions but a strategic policy document designed to provide foundations and principles that will make sure that the things the government does in the education portfolio are cohesive. The initiatives arising from this strategy are summarised into three phases over 10 years. The government is currently developing implementation plans for the first phase in consultation with key stakeholders, including government and non-government school system leaders, the ACT Teacher Quality Institute and the Australian Education Union. I look forward to making an implementation plan available to the community and to the Assembly once it is settled and published.

I would also like to briefly address the question of factors that affect school academic performance. It is true that the ACT government does not have all the answers to this question. But there is also clear evidence about some of the key things that matter. The future of education strategy is fundamentally based on education equity because this is key to ensuring that all students achieve the best possible school outcome. I have already highlighted some of the evidence of this. There is more. For example, in a comprehensive analysis of high performing and most improving school systems around the world, McKinsey found that there were three common elements: a focus on teaching quality; teacher investment; and explicit focus on equity.

After personal factors related to the students themselves, teachers and teaching make the greatest impact on student development. International and national research such as that done by John Hattie makes very clear that the impact that high quality teachers have on student learning outcomes outweighs the effect of every other factor outside of the student's family background. There is significant evidence that students taught by a succession of high performing teachers will progress three times as fast as those placed with less effective teachers. The government values and respects the teachers, learning professionals and support staff in ACT schools.

A significant focus of the future of education strategy is about empowering learning professionals. As I stated in my future of education ministerial statement, it is vital that the right people enter the teaching profession, that initial teaching education meets contemporary needs and delivers classroom-ready graduates and that new teachers are supported in their journey into the profession. The government has also strengthened instructional leadership, making sure the right people progress into school leadership roles and are supported to do their best work. Through partnership with the University of Canberra and with the support of agencies like the

ACT Teacher Quality Institute, the government will grow and share knowledge about best practice and teaching approaches.

You see, Madam Speaker, I have absolute faith in teachers across all our schools and in their absolute commitment to and unwavering focus on our children and their education equity and excellence. And I do not just say that and then go on to bag them out. So, rather than supporting another inquiry and giving the opposition another opportunity to talk down our schools, their students and their teachers, the government intends to get on with the job. I commend my amendment to Ms Lee's motion to the Assembly.

MRS KIKKERT (Ginninderra) (4.58): I thank Ms Lee for bringing this very important motion before the Assembly today. This issue is a deeply personal one for me. I rise today as a mother of five children who are all enrolled in the territory's public schools. I have nothing but respect for the hardworking and dedicated educators who have over the years sought to teach and inspire my children.

Nevertheless, when I speak with other parents in my electorate, education is one of the areas of concern most frequently raised with me. Like my husband and me, these families appreciate the qualified teachers and others who work in our schools. They often feel fiercely loyal to these schools, volunteering for fetes, turning up for fundraising events and so forth. Underneath all of this, however, is a growing sense of unease regarding what they observe of their children's academic progress. I do not know if these parents are familiar with the data referenced in this motion, but they have certainly detected that something is not quite right in our education system.

These reports into academic underperformance are clearly damning. Any attempt to claim otherwise is misleading spin. Professor Lamb's report clearly found that "ACT government schools on average achieve negative results on every measure" and are therefore not performing up to their potential. The Auditor-General's report likewise found "systemic" shortcomings in our schools, leading to relative underperformance, despite this government's spending on schools being amongst the highest in the nation.

The recent ANU Law School working paper from Professor Macintosh and Ms Wilkinson pulls all of these data together and extends them across all sectors of the system. The conclusion is that "ACT school students are several months, sometimes several years, behind their peers in writing and numeracy". This underperformance is greatest at the high school level and in numeracy and writing, a disturbing reality that many parents in my electorate have already detected in their own children.

This should not be the case in a place like Canberra. We are a small jurisdiction, concentrated in a single city. Our adult population has relatively high levels of education and income. This government's revenue is at a record level. Viewed from this perspective, there is no rational reason why we cannot be an educational utopia. But we are not, and we need to know why; then we need to fix the problem or problems. Professor McIntosh's recommendation is clear: we need an inquiry to get to the bottom of this.

As a member of the Assembly, as a parent and as one who speaks for many other Canberra parents, I commend this motion as drafted to this Assembly.

MR RATTENBURY (Kurrajong) (5.02): This is certainly a very important issue that Ms Lee has raised today which affects many Canberra households. Along with the other parties in this place, the Greens are keen to ensure that students in ACT schools have high quality teaching environments with high quality teaching and support in the classrooms. We believe that a high quality, free and equitable education is a cornerstone of a healthy democracy and is fundamental to our continued prosperity as a community and a nation.

The results outlined in recent reports from the Australia Institute, the Auditor-General and the ANU regarding ACT school performance are concerning. It is true that ACT schools do tend to perform higher than the Australian average, when looking at mean NAPLAN scores, which compare results against the Australian average. However, when the ACT's results are compared with other similar schools based on the level of socio-economic advantage and the change in performance over time, the Auditor-General found a systemic level of underperformance.

While I acknowledge the varying views on the efficacy of NAPLAN as an accurate measurement of student performance and its value as an educational tool, we cannot simply dismiss these results overall as inaccurate or not representative. Of course, there are many ways to judge and measure student performance, and many of the important lessons that our children learn at school cannot be measured through any written test. At the same time NAPLAN does provide important data on some fundamental education measures, such as literacy and numeracy, and we need to take seriously what appears to be a concerning trend of underperformance on these measures. I certainly agree that we need to see a clear plan of action to address this issue.

There is no doubt that this is a serious issue. The question is: how can we best address it in a way that builds on the many positive things that our schools are already doing and that takes into account the extensive research and consultation that has already taken place to date?

The ACT community rightly expects high performance from our schools, and we cannot deny the findings in these recent reports that our schools have underperformed when compared with those from statistically similar school groups. We must now take the best advice from our expert reports, as well as the feedback from students, teachers and parents, and implement an evidence-based approach. We also need to recognise that the level of underperformance is more severe for students from low SES backgrounds and that this has flow-on effects for schools in these areas which can further compound the problem.

In his 2016 report, Professor Stephen Lamb talked about the processes of "segregation" and "residualisation" which lead to the creation of sought-after schools that become large due to demand, and other schools that face the pressure of declining enrolments and a residual population of more disadvantaged students with higher or

additional learning and support needs. This is not a problem we can solve through NAPLAN or more performance reporting, but it is one that government needs to take into account when responding to these issues.

The principle of equity is fundamentally important in education, in addition to the issues of quality that we have discussed today. The Greens want to ensure that every student, no matter which school they go to, can get the help they need and can achieve their potential. This is one of the reasons why the Greens have supported the government's policy on priority enrolment areas. It is important that, in looking to solve issues of quality, we do not simply worsen the equity divide, where improvements for some areas and schools are associated with struggles around enrolments and performance for others.

It is also important to recognise that the Auditor-General did acknowledge the work that is already underway to respond to issues of underperformance. She found:

... the Education Directorate has commenced initiatives to improve governance and administrative arrangements for the use of student performance information in schools. These include developing sound principles for school improvement, identifying better ways to manage and use student performance information and developing systems and tools to support student performance information collection and analysis.

This suggests that while these are significant issues, they are not without solutions, and with work already underway we should expect to see these results start to change. The Auditor-General's report has provided a clear set of recommendations around how schools can better use data to improve student performance to get better educational outcomes, and I understand work on these recommendations is underway.

The government has also recently engaged in an extensive process involving schools, teachers, parents, students and other stakeholders on the future of education, which the minister has referred to, and a strategy has been developed that sets out three key phases over the next 10 years.

What we need to see as the next step is the detail that sits under this strategy, including clear and detailed actions and time frames for implementation, as well as regular reporting, so that the Assembly and the ACT community can see what progress is being made and whether it is having an impact on school performance.

Noting the extensive process that already has been undertaken, and the education committee inquiry into standardised testing in ACT schools which is currently underway, the Greens do not intend to support Ms Lee's calls for an independent inquiry today. We believe that it is appropriate to let the current inquiry process run its course before starting on another one.

At the same time, schools and the Education Directorate are working to develop individual implementation plans as part of the future of education strategy. These plans will provide clearer examples of how each school is working to improve its performance for its students and school community.

While the future of education strategy has involved a detailed consultation process, I believe that there is still some uncertainty in the community about what the future of education will look like in practice. Therefore I am pleased that there is considerable work currently underway on consulting with schools and stakeholders to develop these implementation plans.

I am hopeful that the future of education implementation plans will include examples of decisive action to implement best practice educational approaches tailored to the unique needs of each of our schools. It will also be crucial that good data collection processes are in place to track the effectiveness of these new approaches and monitor their impact on performance outcomes.

That is why the Greens will be supporting the minister's amendment, because the government has committed to addressing this issue by acting on the recommendations of the Auditor-General's report, working through the current education committee inquiry to improve standardised testing, and consulting on and developing more detail on how the future of education strategy will be implemented, including detailed plans for each school, which I look forward to seeing early next year, post the consultation process.

Of course, I would like to acknowledge Minister Berry's role in leading the charge on a national review of NAPLAN through the commonwealth Education Council. We will continue to monitor each of these processes to ensure they are producing the necessary improvements in school performance and student educational outcomes.

In summing up, the ultimate purpose of performance testing like NAPLAN is to support the provision of a high quality education for every student and in every school across the ACT. That should always be the goal, and the Greens acknowledge that these performance indicators can be a useful tool to help teachers and students when used in the right way.

The Greens understand that the nature of education is changing, both in substance and in style, and that performance reporting is one of a range of tools that we can use to measure the performance of our school system. As I have said, the results outlined in a number of reports about relative NAPLAN performance in ACT schools is concerning and indicates a need for improvement. We would be doing our education system a disservice if we were to dismiss any of those reports, and not take on board the work that has gone into them, in order to highlight important issues.

At the same time there is much that our schools, both government and non-government, can be proud of, and this should not be lost in this debate. Our schools are full of hardworking, dedicated teachers and principals who want the best for their students. Our school communities are made up of students, parents and carers who are actively engaged in decisions about their learning.

We have a vibrant and accessible education system in the territory. The work on the issues raised by the Auditor-General, other independent reports and through the future of education strategy is important for maintaining confidence in the system and

making it even better. The Greens recognise the many processes that are in place to address these issues, so we will be supporting the minister's amendment.

I am anticipating the comments that are likely to be made after I have finished my speech. What we see here today is that there is no disagreement that there is a problem. The question is: what is the response to be? Ms Lee has proposed another inquiry, a new inquiry. At the end of the day, we do not support starting another inquiry. We have a couple of significant reports that have identified the issue. The minister is leading significant work on what the future of education looks like. I think that those two things combined provide the response path that we need to ensure that our education system continues to be one we can be proud of. But we cannot ignore the information that has been put before us, and that is the challenge that lies ahead.

I look forward to seeing the report back from the minister in February 2019 that she has proposed in her amendment, in which we will have an update, particularly on the implementation plans for the future of education. At that point the Assembly will have another opportunity to scrutinise whether those proposals are addressing the issues that have been identified through the socio-economic analysis of the NAPLAN results. The Greens will be supporting Ms Berry's amendment today.

MS LEE (Kurrajong) (5.12): I thank Mrs Kikkert for her contribution to this debate, as well as, of course, Minister Berry and Minister Rattenbury. Given that Mrs Kikkert is a mother to five children in government schools, she is well placed to appreciate how they are progressing. It is no surprise that she and other Canberra parents have an uneasy feeling about where the standard of their children's education is and where it should be.

That assessment has come quite independently from observation of their children's progress and without any prior knowledge of PISA results or several damning reports. Does the minister know this but simply is unable to face the reality? Is it because she does not know how to fix it? Of course, we will all continue to wonder because it is, after all, private members' day.

Once again, as we see every Wednesday with private members' business, we have a furious rewrite of anything the Canberra Liberals wish to debate. This motion, like my earlier motion on the H course, is no different. We have the usual: remove all words after "this Assembly" and then, like so many other motions, simply repeat words that we had in our motion. But in this case, there is one glaring difference. In respect of each report referenced, we actually listed the findings, all of which were damning.

This government is simply unable to accept criticism, to acknowledge shortcomings, and so it is again with this motion. There is a dangerous progression to wilful blindness and a stubborn refusal to admit that things are not quite right. We saw it today in the health motion and we see it now in education.

How many years, months, hours of debate did it take for the government to acknowledge what everyone else in Canberra knew, that the ACT health system was broken and needed a board of inquiry to get to the bottom of the crisis? How long will it be before the education minister accepts that ACT students are going backwards in

real terms and acts? Or is it okay for us to keep slipping, so long as most of the time and in most areas we stay ahead of Australian states, completely ignoring our relative socio-economic advantage?

What will it take to make her do more than have conversations and play with legislation? The evidence of failure is there. What is not apparent is evidence to support her claims in part 2 of her amended motion. Ms Berry says that the government has, “Proactively inquired into the relative performance of ACT schools.” She says it has responded to the Auditor-General’s report. The minister says she is leading a national review of NAPLAN. But she is doing nothing about acknowledging her failures in our school system and she never will because she does not believe that there are failures. She says that it is NAPLAN, that it is inaccuracies in data recording and that all our schools are great.

If the ACT is making the progress that the minister claims we are, why did respected researchers at the Australia Institute go public last year with the report they gave to the government two years earlier? They did that, they said, because they were frustrated that nothing had happened and nothing was happening. They made the same claims again last week in evidence to the education committee. They made it clear that things had not improved and would get worse if nothing is done. Nothing has been done and nothing is being done.

We have a 10-year plan; we have chats and conversations; we have tinkering with legislation. But let us not do anything that might actually flesh out serious weaknesses and flaws, something that may actually tell us why, despite our socio-economic profile, we are slipping. What is it that the government is so afraid of finding out? Repeating over and over that all ACT government schools are great does not in itself make it so. And when all else fails, as we have seen, the minister attacks my integrity, my honesty and my intelligence.

Because I have the nerve to call out her own flawed understanding of what equity in education means—ie, not spending \$17 million on a Chromebook for every student—I do not understand. Perhaps it is she who does not understand the clear—written in black and white—findings in all the reports that I have spoken about. It cannot be any clearer. If she does understand, the only conclusion that I and the broader Canberra community can draw is that she is wilfully ignoring these findings.

Of course, the Greens have served up their usual, “I agree with you, but will not vote for you.” It is something that we have come to accept as an inevitability in this place. After all, they do need to stick with their coalition partner.

I had an email the other day from a constituent who had returned from the UK and who had enrolled his children at the local government school. He wrote to me:

Having been in the ACT government school system for one year after returning from the UK, I believe my child has gone backwards in both reading and writing.

That is pretty damning. We have the potential to make every one of our schools world class. We have the teachers, we have the socio-economic advantage and we are a

small jurisdiction. But right now, and for some time, we have gone off track. Pious pie-in-the-sky dreamtime statements on the future of education conversations are not going to get us there. Clearly, the government is of no mind to want to find out, either.

It is not good enough for Canberra parents to be told that ACT schools lead all other jurisdictions. Given our size, our relative affluence, and the higher SES assessments of education and employment of parents, the ACT should be at the top. But it turns out that we are at the top of a country that is struggling to keep up. We have countries such as Vietnam, Slovenia, Macau and Estonia ahead of us. UNICEF ranks only Romania and Turkey below Australia in education in the latest UNICEF report card.

We have numerous reports that speak directly to what is happening in ACT schools and still a blank wall from the minister. Our two largest expenditure items in the ACT budget are health and education. Decent hardworking taxpayers have a right to expect better performances from both.

The minister referred to education as an investment, and she is right. But every investment, and particularly of public funds, must be a good one. There is no-one who would think throwing money at something for worse returns is a good thing. It does not matter what it is. Instead, health and education appear to be in a race to the bottom in the poor ministerial leadership stakes. The amendments provided by the minister are just another avoidance of reality. Canberra families have to be content with the exciting prospect of another dreamtime story from the minister next February.

I am disappointed but not surprised at the lack of accountability of this minister. We have seen it demonstrated already today and I suspect we will continue to see it. This minister is incapable of facing reality and addressing shortcomings. In not doing so, she does our teachers, our principals, our parents and our students a major disservice. Our hardworking teachers have every right to feel let down by the complete lack of leadership and accountability of this education minister. Through her poor leadership, the minister is failing our future generation.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 11

Noes 8

Ms Berry	Ms Orr	Miss C Burch	Ms Lee
Ms J Burch	Mr Pettersson	Mr Coe	Mr Wall
Ms Cheyne	Mr Ramsay	Mrs Dunne	
Ms Fitzharris	Mr Rattenbury	Mr Hanson	
Mr Gentleman	Mr Steel	Mrs Kikkert	
Ms Le Couteur		Ms Lawder	

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

Health (Improving Abortion Access) Amendment Bill 2018

Debate resumed from 21 March 2018, on motion by **Ms Le Couteur**:

That this bill be agreed to in principle.

MS FITZHARRIS (Yerrabi—Minister for Health and Wellbeing, Minister for Higher Education, Minister for Medical and Health Research, Minister for Transport and Minister for Vocational Education and Skills) (5.26): I welcome the opportunity to respond to the Health (Improving Abortion Access) Amendment Bill 2018 introduced by Ms Le Couteur in March this year. The broad intention of Ms Le Couteur's bill is to make abortions more accessible in the ACT, and the government is very pleased to support this.

This year we have engaged with the Women's Centre for Health Matters on this topic as well as other issues surrounding women's health care and, in particular, women's timely and affordable access to health care in the ACT. Under Labor the ACT government has always strongly supported greater access to abortion services because safe, accessible and affordable abortion services are fundamental to a woman's right to choose. This is why the government supports this bill in principle.

I will, however, propose a number of amendments to strengthen the improved access it will provide to women in the ACT. These amendments relate to matters of language, conscientious objection, legal issues related to the prescribing rights of nurse practitioners, exclusion zones and timing. I now seek leave to table the amendments circulated in my name.

The ACT Labor government is committed to supporting and enabling women to make informed decisions about whether or not to seek an abortion. Ensuring access to services that assist women before, during and after to making their decision about their pregnancy is vital. In the ACT abortion has long been considered to be a health issue rather than a criminal matter. This occurred in 2002 under amendments to the ACT's Health Act 1993.

The Medical Practitioners (Maternal Health) Amendment Act 2002 was introduced by a former Minister for Health Ms Katy Gallagher to amend the Medical Practitioners Act 1930. The act was intended to protect women from malpractice as surgical abortions were the only type of abortion available at the time. The act included the requirement for doctors and doctors only to carry out an abortion and for an abortion to be carried out only in an approved facility.

When the Medical Practitioners Act 1930 was repealed in 2005 part 4B, abortions, was transferred in its entirety and made into part 6, Abortions, within the Health Act 1993. Part 6 of the act defines abortion as "causing a woman's miscarriage by a drug, using an instrument or by any other means". This part of the Health Act also provides that only a doctor may carry out an abortion and that an abortion is to be carried out in an approved medical facility. The minister may approve a medical facility or an appropriate part of a medical facility as suitable on medical grounds for carrying out

abortions, and no-one is under any duty to carry out or assist in carrying out an abortion.

The only approved medical facility in the ACT is the Marie Stopes clinic. Marie Stopes has been the ACT's sole provider of medical and surgical abortions since July 2004. However, where an abortion is needed due to medical issues, the procedure can also be undertaken at the Canberra Hospital. Currently, some Canberra women choose to access a medical abortion through a telehealth model. While currently not legal in the ACT, women can access this service in New South Wales through the Tabbot Foundation.

While our current legislation was appropriate for the time it was enacted, changing medical practices mean that it is in need of modernising, principally because of the advent and allowance of medical abortions as an option for women seeking an abortion. Ms Le Couteur's bill in large part addresses this need by creating separate definitions for medical and surgical abortions and removing the requirement for a medical abortion to be carried out in an approved medical facility, thereby allowing women to access a medical abortion through their general practitioner or telehealth provider.

Let me be absolutely clear: while the government will move some amendments to the bill in its proposed format, it does not have any concerns with its intent. The government's proposed amendments are designed to improve the bill's purpose by improving the accessibility of abortions in the ACT.

Broadly speaking, these amendments are as follows: the first area is that of language. The bill seeks to change the terminology from "abortion" to "termination", with the view that this is more appropriate clinical language. While I understand the intent behind this proposal, advice obtained from ACT Health as well as a range of local stakeholders is that "termination of pregnancy" has a broader meaning than the term "abortion" and includes miscarriages and births. The word used in clinical settings is "abortion". Therefore, the government's amendments retain the current clinically appropriate terminology.

The bill also uses the word "drug" when describing MS-2 Step. The Therapeutic Goods Administration uses the term "prescription medicine", and the pharmaceutical benefits scheme uses "medicine". For the sake of clarity and consistency, the government's amendments also insert the term "abortifacient", meaning "a medicine, drug or other substance that causes a pregnancy to end". Using this word provides greater safeguards for women.

The second area relates to nurse practitioners. While the current act permits only doctors to prescribe MS-2 Step, Ms Le Couteur's bill also seeks to permit nurse practitioners to prescribe it. MS-2 Step is, however, highly regulated and, as such, the TGA has only authorised doctors to prescribe this medication. While I acknowledge including nurse practitioners as prescribers is a sensible and reasonable step to consider, as nurse practitioners are not listed by the commonwealth's PBS legislation to prescribe MS-2 Step, nurse practitioners would still be unable to prescribe the

medication at this point in time regardless of a change to the ACT's Health Act. The government's amendments to Ms Le Couteur's bill recognise this reality.

The third area is that of conscientious objection, which is the refusal to do something—in this case an abortion—as it conflicts with a person's religious, moral or other beliefs. The bill includes a provision on conscientious objection which reflects the codes of conduct for doctors, nurses, midwives and pharmacists. The government supports the inclusion of a conscientious objection provision but will seek to insert a further clause to clarify that conscientious objection does not apply where a woman is having a complication from an abortion.

The fourth area relates to exclusion zones. To minimise barriers to access and to protect women accessing abortion services, the Labor government introduced a patient privacy zone around the Marie Stopes facility at 1 Moore Street in Civic in 2016. Women who have made the difficult decision to seek an abortion have the right to access the services they need without being forced to endure the judgement of others.

I recognise the recent court ruling that silent vigil within the privacy zone is not considered a protest, but I will continue to monitor the situation with a view to ensuring that women do not feel harassed, threatened or judged when accessing health services.

As it stands, the bill does not address the question of exclusion zones at other facilities that will prescribe the medication. I will, therefore, propose an amendment that allows the minister to declare an exclusion zone where it may be considered necessary. This will allow a medical practice offering medical abortion services to opt in should they choose for the protection and privacy of those accessing and those providing these services.

Lastly is the issue of timing. It is important to ensure that in widening the scope for the provision of abortion services in the ACT appropriate support mechanisms are in place in the territory prior to commencement. The government will, therefore, propose that the bill will come into effect no later than 12 months after it passes. This will allow time for: consultation on implementation with the medical profession and service providers; appropriate supports to be put in place; all necessary training completed before commencement; and a treatment pathway for ACT patients, particularly where complications may arise, to be well-established and understood with necessary protocols in place.

The government's focus is on increasing accessibility for women and improving affordability. Both are fundamental. In consulting relevant stakeholders in relation to this important bill I have spoken with some of the GPs who want to be able to provide the option of medical abortions to women of the ACT. These GPs are well aware of their professional obligations to undertake the required training as well as the provision of suitable after-care pathways to people accessing these services.

We have also been working with the Women's Centre for Health Matters to gain an insight into the barriers faced by women in the ACT seeking an abortion, particularly

those who are vulnerable. The Women's Centre for Health Matters—I welcome them to the chamber today—have been holding focus groups with some of the women who responded to their sexual and reproductive health survey. The outcomes from this community consultation will assist in informing the review of abortion services in the ACT.

Initial discussions with the Women's Centre for Health Matters, Sexual Health and Family Planning ACT—whom I also welcome into the chamber today—and many clinical staff indicate that while there does need to be a reduction in barriers to access to medical abortions we may also need to consider barriers to surgical abortions.

Vulnerable women, victims of domestic violence, women with mental health concerns, young women, women who are refugees or women who have low English proficiency may not be in a position to decide before nine weeks' gestation whether or not to seek an abortion and may not want a medical abortion, which takes effect at home. These women may then require a surgical abortion, potentially at a later stage of pregnancy and at greater cost, which may cause additional stress and trauma. There is, therefore, more work to be done on access to surgical abortion services in Canberra. And, of course, affordability is just as important as access.

While this bill partly addresses affordability by allowing women to access these services through a visit to their GP or through a telehealth model, which can come at a slightly lower cost, cost still remains a barrier for some women. Currently in the ACT a surgical abortion up to 12 weeks and a medical abortion up to nine weeks costs \$500 after the Medicare rebate. Both of these are only available at the Marie Stopes clinic.

A medical abortion through the telehealth model costs between \$325 and \$500 after the Medicare rebate. The difference in cost is due to some providers having agreements in place with imaging providers to bulk-bill the ultrasound and other providers accessing full-fee imaging services. The blood tests are covered by Medicare. But for some, even \$325 can be prohibitive.

I am pleased to advise members today that the government will, therefore, explore options in partnership with our key stakeholders to make abortions more affordable for Canberra women as well as identifying any other barriers that they face. This will build on the great work already undertaken and is an important step towards strengthening accessibility and affordability even further.

The government welcomes any effort to improve abortion services and access for ACT women, and I thank Ms Le Couteur very much for bringing forward this bill. That is why we are pleased to support this important bill. While the amendments proposed by Ms Le Couteur are technically straightforward, it has been important to take the time to ensure that they work as intended to remove barriers that women face when seeking abortion services in the ACT.

I thank the many stakeholders for their interest in this topic and their valuable feedback to this process. We look forward to continuing to work with them in the coming months on the next stage of implementation of this important and historic reform in the provision of health services to women in the ACT.

It would be remiss of me not to acknowledge the work of my ACT Labor colleagues both in the chamber and across the broader movement, past and present, in progressing the important reforms we have embarked on this year in our work to support Ms Le Couteur's bill.

As a government, we have a responsibility to ensure that people have access to safe and appropriate health care and services while respecting their rights to choose their own path. The bill demonstrates the progressive action the ACT government is prepared to take in progressing women's rights to safe, accessible health care. I commend the bill and the circulated amendments to the Assembly.

MS BERRY (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (5.39): I would like to speak in support of the amendment bill and the government's amendments. I would like to acknowledge the work that has been taken to ensure that we can achieve the best outcome for Canberra women and people with reproductive ability.

I have said it many times: it is a woman's right to make choices about her body. That is exactly how it should be, Madam Speaker. It is also important to remember that it is our responsibility to ensure that the policies and laws governing the choices that women can make about their bodies and their lives are serving the needs of the ACT community.

It has been 15 years since the act of procuring an abortion in the ACT was removed from the Crimes Act. I want to pay tribute to the group of members in this place from across the political spectrum who voted for decriminalisation. Led by my father, Wayne Berry, these members expressed their respect and support for women to make choices about their own bodies and lives, and successfully made this important change. History tells that story.

Since then we have had an ongoing responsibility to continue reform and to not be afraid to raise this issue so that women are not persecuted for making difficult decisions about their lives. And we have, in legislating to protect women who access this health service by establishing an exclusion zone for protest and harassment. More recently, the health minister, Meegan Fitzharris, has undertaken a review, an action under the ACT woman's plan, into abortion services in the ACT, to look at the barriers that women face when accessing health services. I look forward to hearing more about the review when it is completed, but I expect that it will say that we can do more to ensure that all women and people with reproductive ability have access to the service they need on their own terms.

I want to move specifically to the issue of medical abortion and talk about a recent conversation that I had with a group of young women who have been advocating for greater affordability and accessibility of abortion, particularly GP-prescribed medical abortion for Canberra women.

Given that it is not yet available in the ACT, this group of young, astute women decided to build a campaign for reform and started gathering experiences, support and evidence to convince policymakers to get on board and get with the times. This is what they told me:

Abortion in the ACT is expensive. It is available at one location only, a private one.

It is assumed that if patients can't afford to access the health service, they will just have to find a way to get the money.

Patients have a small window of time to get the procedure, and even for people who aren't experiencing financial hardship, more than \$500 is a lot of money to come up with without any notice, in a short period of time.

Covering necessary medical treatment at short notice is exactly what Medicare is for ...

Madam Speaker, I am always proud to reflect on the merits of Medicare and why Labor built Medicare. We will always support and protect its existence.

Continuing, I was told this:

So the idea that ACT patients might be late on their bills, have to travel interstate, or compromise their patient confidentiality by asking friends or family for money is unacceptable.

And so we decided to take a road trip to Victoria—a jurisdiction that does allow GPs to provide medical abortion.

The Doctors and Nurses that we visited were vocal in their unwavering commitment to provide accessible and affordable reproductive health services.

The system that these Doctors and Nurses described has had enormous success. They've been able to substantially reduce expenses to the patient and the clinic without compromising patient health.

They've been able to service a wider geographical area because they've cut travel necessities. In turn this has also cut the patient's associated costs, such as accommodation, time off work, childcare, transport, and company to attend appointments.

At conferences, these health professionals have been able to turn to their colleagues who aren't providing medical abortion and say, "You're not trying."

To those who've said "it's not possible" these Doctors and Nurses have replied "pick up your game". To those who have said it's not safe, not viable, or not meaningful to provide this service, they have simply gone out and proven them wrong.

This account relates to a GP clinic in Victoria which is able to provide this service because the Victorian government has made GP-prescribed medical abortion legal.

Across the globe it has been happening for years, but in the ACT that is not quite the case, which is why I support this bill today.

I feel that after the great work we have done in the ACT over many years to extend safe and legal abortion services to women and to protect their decisions and choices from harassment, it is unfortunate that it remains illegal for GPs to provide medical abortion.

I want to reiterate that Labor will always be the ones who will keep trying to ensure that our services are provided equitably and appropriately. We know that when we do not keep our hand on the throttle and our eye on the game, we can risk going backwards. It is a fact. We see it in many areas of policy reform, such as gender equality and, in particular, the gender pay gap. We might make a small leap one year and celebrate our success, but then we lose momentum and get on with other things, and before we know it we have slipped backwards.

It is acknowledged that the ACT has demand for GP-prescribed abortion, because ACT patients are travelling to New South Wales to get it. Ironically, abortion remains in the New South Wales criminal code.

This bill is about ensuring that people who need medical treatment do not experience unnecessary barriers. Medical abortion in the ACT has been unnecessarily expensive for too long. We do not need to keep costs on health care prohibitively high.

It has been established in this place that there are many varying views on abortion. Some members of our community will ask if the ACT government is trying to make it easier to get an abortion. The answer is yes. But it is not because the ACT government believes that unplanned pregnancy is a good thing or that accessing an abortion is a casual thing; it is about saying that every patient is deserving of treatment. Communities do not need to punish patients for trying to access health care. We do not need to make their lives more difficult.

To imply that the government should implement barriers to access abortion neglects the research coming out of universities and clinics about who accesses abortions and why. There are many different reasons for patients to access an abortion. Some are experiencing the loss of a planned, wanted pregnancy. Some are experiencing the precariousness of an unplanned, unwanted pregnancy. The fact remains that some people in the ACT still cannot access the care that they require because of the circumstances surrounding their family or their finances.

There are instances in which many of us who would typically disagree on this issue may agree, examples where decisions seem clear cut. But we are not doctors, and it is not the business of government or the community to individually assess which individuals or families are deserving of treatment. It is not our role to dictate which people in our society get to freely choose their medical treatment and which must experience further distress, financial hardship or scrutiny to get health care and self-determination.

This bill removes some of the barriers to accessing abortion. It significantly lowers the cost of abortion and goes a substantial way to addressing existing barriers, such as transport and accompaniment, child care and time off work. It returns autonomy to the patient and allows them to access treatment in the situation they are most comfortable with: with their GP, their clinic and their home.

The government's work is not finished here, Madam Speaker. I continue to believe that an overwhelming majority of Canberrans support moves to make it easier to access the health services that we need. Our community is better off when these services are available. Canberra women can feel assured that I and other committed Labor members will always fight for the right to safe, legal, appropriate and accessible reproductive health, abortion and termination services in the ACT. I commend the amended bill to the Assembly.

MRS DUNNE (Ginninderra) (5.47): I was anticipating that Mr Rattenbury was going to speak but he is not; so I will. This bill seeks to do a number of things, and I will comment in two phases on this bill: one in my capacity as the shadow minister for health outlining what the bill does and then I shall make some personal comments about my views about the bill which are my views alone.

This bill seeks to allow a doctor or a nurse to supply or administer a medical abortion drug without the need to be at an approved facility, for instance in a GP's room. It allows a pharmacist to supply medical abortion drugs on prescription without needing to be in an approved facility and requires a doctor or nurse to carry out or assist with a surgical termination in an emergency, that is, in a life-threatening situation, regardless of any conscientious objection that they may hold against abortion in general.

This bill also establishes a right to conscientious objection. The bill requires that a doctor or nurse who conscientiously objects to abortion and refuses to administer, supply or prescribe termination drugs or to perform or assist at a surgical abortion must tell the patient that they conscientiously object. But in these provisions they do not have to then refer on to somebody who would provide those services.

The bill requires the minister to approve by notifiable instrument the medical facility or part of a medical facility for carrying out surgical terminations where they are satisfied that the facility is suitable.

The bill removes gender-specific language and updates clinical language, primarily omitting the term "abortion" and replacing it with "termination". Because doctors and nurses can supply, administer and prescribe medical termination drugs other than at an approved facility, the names of facilities do not have to be made public except if they provide surgical abortions.

In the case of self-administering of medical abortion drugs at home the question arises as to how to dispose of the products of the abortion. In creating an ability for a person to seek a medical termination prescription over the phone there is a potential for an incomplete or inaccurate assessment of the pregnant person's medical or general health and other conditions, and there may be an increased risk of adverse outcomes.

In considering whether an offence arises in relation to the supply of termination drugs, it does not matter if the person being supplied is pregnant or not—that is not an offence—or whether the drug that has been supplied is effective in terminating the pregnancy.

I took the briefing from Ms Le Couteur and her staff on this matter in July and I personally raised a number of questions with Ms Le Couteur. They included: what happens to the product of the termination of pregnancy when it is terminated at home? What information about support services will be provided to patients seeking medical terminations, and by whom? Whilst the conscientious objection provisions in this bill were much better than they have been hitherto, they did not extend to pharmacists and their assistants. Ms Le Couteur has not got back to me on any of those issues since July.

I note that in consultation the AMA is not opposed to this bill but did express concerns about the issue of nurse practitioners, which the health minister has touched on. The scrutiny of bills committee also commented on the bill. Also, I note that the minister has circulated, through the Clerk's office, amendments, which she has touched on, that establish the time frame for commencement; restore the current language in relation to abortion, that is, omitting "termination" and reinserting the term "abortion"; and amend relevant definitions.

It disempowers nurse practitioners from the supply or administration of abortifacient drugs, and the minister has addressed those. It allows an authorised person to refuse to prescribe on religious or conscientious objection grounds but prohibits the conscientious objector from refusing to treat a person requiring medical treatment because they have had an abortion. The minister also proposes to include the power to extend protective areas, exclusion zones, to around dispensing pharmacies. All these matters are straightforward matters of fact about what the bill does.

As members would know, the Canberra Liberals consider the issues in relation to life and death to be conscience issues and it has been agreed that members would be able to speak and vote freely according to their conscience. It would come as no surprise to members of this place that I would be opposed to this legislation.

This bill makes it easier for Canberra women to obtain chemical abortion as an alternative to surgical abortion. Ms Le Couteur calls this improving access to abortion and improving access for Canberrans seeking to exercise their reproductive rights.

As someone who has been actively involved in the pro-life movement my whole adult life, I cannot do anything to support this bill. As someone who knows that life begins at conception, I am opposed to all instances of abortion irrespective of the means by which it is procured and irrespective of the time at which it is procured. This is why, at every opportunity, I have supported restrictions on abortions and oppose the relaxation of abortion laws. And this is the case today.

I want to make it clear, so that I cannot be verbally, that I am not critical of women who resort to abortion. I would just prefer that we lived in a society where they had

more and better options than recourse to abortion. At the beginning of my career in this place I spoke about abortion being a surgical solution to a social problem.

Every day in Canberra, as it is around the world, women discover that they are pregnant and realise that they are not in the best possible situation to nurture their baby. We would be better and stronger as a society if we embraced those women and their babies, rather than encouraging or coercing them down the path of ending their child's life.

This bill seeks to make it easier for Canberra women to gain access to the drug commonly known as RU486 so that they can procure their own abortions privately and discreetly and go through the process relatively unsupervised and often without support. I do not see that as caring for Canberra women.

It is appropriate that I spend a little time talking about what RU486 is. It is a drug that is used in the early stages of abortion, usually up to 50 days, or occasionally as emergency—after-the-fact contraception. In addition to killing the developing baby by counteracting the effects of prostaglandin, the side effects of RU486 are considerable and can result in the death of mothers. The first adult death from the use of RU486 in Australia was made public in March 2012 and followed the death of a woman at a Marie Stopes clinic. According to the Therapeutic Goods Administration, the woman died in 2010.

To put the quality of RU486 as a product into perspective I am going to rely on the work of the abortion activist and feminist writer Renate Klein, whose book *RU486: Misconceptions, Myths and Morals* has been described as classic text for health advocates and feminists interested in the complexities of how drugs are developed, marketed and sold to women around the world. Klein is critical of the positive claims about RU486 and argues that its promotion is filled with myths and misconceptions which benefit the medical profession, the drug companies and government health economies and offer no advantage to women because, amongst other things, of the dangerous effects of prostaglandins. Klein says in her book:

... a down-to-earth rational best practice approach that truly respects women's health and wellbeing could not, in good faith, endorse this fraught abortion method ...

RU 486 ... abortion is an unsafe, second-rate abortion method with significant problems.

She goes on to say that, in spite of improvements over the decades to the drug levels used in treatment and even the inclusion in some cases of antibiotics to prevent infections, RU486 abortion is an unsafe, second-rate method with significant problems.

The experience of women taking RU486 is quite mixed and Klein's book dwells at length on some of those experiences. But I will quote her response to the claim that RU486 is safe and effective. She says:

Readers might not draw the same conclusion particularly if they are women who sustained haemorrhage-like bleeding, including the need for a blood transfusion, and/or re-evacuation, cardiovascular problems, a potentially lethal infection, or an ongoing pregnancy.

Nevertheless, the “safe and effective” mantra is one that prevails, and it is hard to displace.

Renate Klein’s book does outline many personal experiences, which I will not go into here.

Members may also like to read an article called “I was betrayed by a pill” which appeared in *Marie Claire* magazine. I would like members to note that in drawing from these articles I am not drawing from pro-life literature but from the pages of pro-abortion advocates and from *Marie Claire* magazine, which I do not think would ever call itself a pro-life publication.

For these reasons and apart from my general opposition to the extension of abortion, I think we should be very careful about making RU486 widely available to the women of Canberra.

There is one aspect of this legislation that I do welcome—and I congratulate Ms Le Couteur on one thing—which is the improvement to the way the issue of conscientious objection is dealt with in this legislation. I think that it is far better than it is in the current ACT legislation and superior to provisions in other jurisdictions.

At 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MRS DUNNE: I want to conclude by making a couple of comments about the government’s provision to allow for the extension of exclusion zones. I note the minister’s comments about the recent court case of what is jokingly in our household referred to as the Moore Street Three: three septuagenarians who were fined under the existing provisions but whose case was dismissed in the Magistrates Court, which showed that silent prayer was not a protest. I welcome that provision.

I also note that it is interesting that this very week the UK Home Secretary has ruled out the provision of buffer zones around abortion clinics across the UK, the statement being that this would be an exercise against free speech and the right to pray. I think that that is something that we should bear in mind as we potentially legislate across the ACT. I think that the minister overestimates the power of a handful of mainly septuagenarians to disrupt the abortion industry in the ACT by simply saying the rosary or reading their Bible.

With that, I note what this bill does and I note that probably in this place today my views will be in the minority but it is important that I put on the record what my views are. I am sure that they are no surprise to anyone in this place. I repeat that I will not be supporting this legislation.

MR COE (Yerrabi—Leader of the Opposition) (6.02): I stand to introduce the Liberals' position that this is being treated as a conscience issue. As is the tradition of the Liberal Party right across the country, issues of life and death are treated by each member of the Liberals according to their conscience. To that end, the Canberra Liberals reflect the views of the broader Canberra community in that there is a diversity of views in our community and there is a diversity of views within the Canberra Liberals.

As would be of no surprise to members of this place, I will be voting no to this legislation, based on many of the specifics in the legislation but also on the principle of not wanting to broaden access to abortions in the ACT. Again I want to reiterate that this is a conscience issue for the Canberra Liberals and each member will be voting according to their wishes.

MS CODY (Murrumbidgee) (6.04): Tonight I stand to thank Ms Le Couteur for bringing this important piece of legislation forward and to also support the government amendments to the bill. As Mrs Dunne has stated, it is about choice. I would like to thank her for her respectful comments, although I am sure she will completely understand that we disagree on many points in those comments. I thank her for being respectful in this debate, because it is about choice. It is about a woman's choice of control over her own body.

I stand here today as a woman who has had an abortion and who is proud to stand here and support any other woman in the community who needs or wants to access any and every form of reproductive health. Abortion is one of the hardest decisions a woman can make. It is made for many different reasons. A woman may be raped. A woman may be in a domestic situation into which it is not conducive to bringing a child. To broaden the access for all women of our community to be able to have an abortion where they choose and where they feel they will be safest is of the utmost importance.

When Ms Le Couteur introduced this bill I had some queries of my own. I have raised those and spoken to many different members of the community, both women and men, professionals in this area who deal with these sorts of things on a daily basis. I also reflected on my time and the reasons why I felt I needed to access abortion services here in the ACT.

I do believe that broadening access for women to abortion is crucial to the rights of our community. Women have had to fight for control of their bodies for many years. I was very grateful to hear Minister Fitzharris and Minister Berry today speaking on some of their views. Some of the amendments that the government is putting forward today I am also really happy to see come forward. I think Ms Le Couteur had the best of intentions to allow women access to different forms of abortion, to abortion that suits their needs and makes them the safest they can be. But there are always ways we can make it safer and more accessible for every woman in the territory.

I would like to add my voice to those of the women in the strong Labor movement that I am a member of. We have fought for many years, and the men in the Labor

movement have fought for many years, to allow women to continue to be able to access abortion when they choose, to make it safe, to make it accessible and to make it affordable. The bill and the government amendments to the bill today go a long way to ensuring that that is the case. I am proud to be standing in this chamber today being able to vote on a piece of legislation that will have such a profound impact on the lives of women in this territory and in my community.

I feel lucky and privileged to be able to allow women the right to make a choice to protect themselves and their lives. I am really lucky: I have two beautiful boys. I thank—I do not believe in God, but I thank them every day that they are part of my life. I could not have had a third child. I was in a relationship that would not have been conducive to that third child coming into this world. It would not have been beneficial for me, it would not have been beneficial for that child and it would not have been beneficial for my other two children.

Not once have I regretted my decision about having that abortion. I hope that women out there today hear what I am saying and know that it is okay and that there is no stigma attached to needing or wanting to access abortion services. I look forward to hearing other members speak on this important matter today. I thank everyone who has spoken in the debate thus far for the respectful debate and the respectful way in which this has been conducted. I commend the government amendments to the bill.

MS CHEYNE (Ginninderra) (6.08): Our commitment as a government to a better Canberra means delivering policies that reflect our community's progressive values. It is for that reason that I rise today to support this bill and, more particularly, the government's amendments, reaffirming the government's proud, consistent commitment over our terms of government to the rights of women as autonomous individuals to make choices regarding their own reproductive health.

I acknowledge and thank Ms Le Couteur for her work in bringing forward this bill but also the work of Minister Fitzharris in bringing forward the amendments on behalf of the government. I also acknowledge the review that the Minister for Health and Wellbeing initiated into abortion services in the ACT last year.

Women have always had abortions and they always will. But it is 2018 and we do need to seriously reflect on the barriers that still exist, like distance and like cost, which are denying women the choice of a safe abortion. Denying women a safe abortion is naive and it is dangerous. So as a government we do need to take a role. We have been proud leaders in this space to ensure that barriers to accessing abortion services be removed. By doing so we are recognising the rights of women, these fundamental rights, to seek health services where, simply, they may need to.

This bill does make some very important changes. I think that they are going to make a genuine difference to the lives of women across the ACT, for the better. The changes do reduce risks and they do reduce discrimination. With the amendments, I think the bill does strike the right balance between affording women choice and also assuring them of safety.

I acknowledge and support that the government intends to take some time to implement this bill to get it right, and I understand that the relevant stakeholders, both GPs and pharmacists, have welcomed this. That said, I also understand that the intention is not to delay the implementation any longer than is necessary and that the government will be working very closely with these stakeholders to ensure that this can happen smoothly.

I do appreciate that this remains a conscience issue for the opposition, as their leader has stated today and stated in the past. But I cannot let it go without saying that I still find it disappointing that there is no policy from them on an issue that is fundamentally about the rights of 50 per cent of the population. Being pro-choice is about choice, choice over your own body. It still defies belief, to me, given that it is a conscience issue, just like it is a conscience issue for women over their own bodies, that the Canberra Liberals could not take a position of being pro-choice and supporting this service.

I certainly do, that said, respect the shadow health minister's views and also echo Ms Cody in noting that this is a very emotive issue for many people but that the debate here today has been incredibly respectful. It just does come down, as we have heard today, to choice and to making sure that the barriers to that choice are reduced so that safety can be improved and so that women can continue to operate as autonomous individuals and have choices over the decisions in their lives and choices over the things that happen to them in their lives. I commend the bill, with the amendments, to the Assembly.

MR HANSON (Murrumbidgee) (6.13): I be supporting this legislation, but that is not actually why I want to speak. I just want to thank members opposite for their words. I think it is very important on these matters that we have respectful debate. The way that the members opposite have conducted themselves here, I commend and thank them for. I think we are better for it. These are difficult issues on both sides of the debate. Certainly, Ms Cody, some of the things you shared—it must have been very brave to do that. I thank you for treating this issue with the sensitivity and respect that it deserves.

MS LAWDER (Brindabella) (6.13): As the Leader of the Opposition has already stated, we treat the matter of abortion as a conscience issue in the Liberal Party. That absolutely aligns with what has been said by others in the place. It is about choice. The Liberal Party believes strongly in personal choice and gives us the opportunity to express our conscience.

It is probably no surprise to anyone in this place that I always have supported and always will support women's reproductive rights. I think my commitment to that was forged quite some time ago when I lived in the United States in the 1980s, at a time when abortion clinics were picketed by hundreds of people throwing pigs' blood, burning cars and in some cases murdering doctors. It was an intensely frightening time. It meant that women who had chosen to have a termination were confronted at every step on that intensely personal and difficult choice. It was a confronting, challenging and frightening experience for them to go through.

I also support the government amendments today, and I am very grateful that the Liberal Party gives me an opportunity to exercise my conscience vote on this issue. I believe that it demonstrates that the Liberal Party is representative of the broader community, because there are many people in the broader community who do not support abortion. And they should have that right as well, because it is a matter of choice.

I support women's reproductive rights, as do a number of my colleagues. But we absolutely respect the views of other colleagues who may not share that view. I welcome the opportunity to support Ms Le Couteur's bill and the government amendments today because it is very important that women in the ACT have safe and appropriate health care and health services when they need them in all aspects of their life.

MS LE COUTEUR (Murrumbidgee) (6.16), in reply: Firstly, I would like to acknowledge the time and commitment to this issue by Marcia Williams, CEO of the Women's Centre for Health Matters; Tim Bavington, Executive Director of Sexual Health and Family Planning ACT; and the other representatives of these key community organisations who have joined us today to support this bill. Without them, we would not have nearly as good an understanding of people's needs and the gaps that we need to address to ensure equitable outcomes not only for health but in relation to the implications that progressing an unwanted or unplanned pregnancy can have on social, emotional and financial wellbeing for individuals and families.

When I tabled this bill earlier in the year I said:

It is high time the ACT expanded access to safe and legal termination services, not in order to see them proliferate but to ensure that every child born in the ACT is a wanted child and that women ... are empowered to make safe, timely and informed decisions about their own bodies, their future wellbeing and that of their families.

The purpose of this legislation is to improve access to medical terminations in the ACT, expanding availability to include GPs and telehealth providers. It is also the intention that this will have flow-on effects for the availability and affordability of what is a safe and legal medical procedure.

The bill does this by removing the requirement for medical abortions to take place in an approved facility in the ACT. There are currently two: the Marie Stopes clinic and Canberra Hospital. However, abortions are essentially limited to one provider, the Marie Stopes clinic, because, in practice, Canberra Hospital only provides abortions in cases of serious foetal abnormality or genetic conditions.

The bill also ensures that a doctor or nurse must not refuse to carry out or assist in carrying out an abortion in an emergency where a woman's health is in danger. It ensures that a doctor or nurse must inform patients if they are exercising their right to conscientiously object. Given the time-critical nature of abortion, this accurate information is potentially very important to clients. The bill clarifies the Health Act to

ensure that those who undertake a medical abortion are not inadvertently criminalised. And it provides for gender-neutral language, recognising that persons who do not identify as women may be capable of being pregnant and thus could be seeking an abortion.

Historically the ACT has been ahead of other jurisdictions on issues such as abortion. In 2001 we were among the first Australian states to remove abortion from our Crimes Act. But we should not be complacent. Being a small jurisdiction, both in terms of relative population and in terms of being spatially contained, should make it easier for us to tackle society's wicked problems such as climate change, human rights and entrenched cycles of disadvantage. Ours is a majority well-educated, well-off, progressive community. As such, the laws of the ACT need to meet the expectations and values of the community that we in the Legislative Assembly are elected to represent in order to serve the whole community.

Unfortunately, it has become apparent that we are no longer the leader in many key social areas: for example, rental tenancies; consent law reform; and, as this bill before us illustrates, abortion, specifically, medical terminations of pregnancy through the administration of abortifacients, drugs more commonly known as MS-2 Step, with step 1 being the much publicised RU486.

Minister Berry briefly went through the time line of this; I will go through with a bit more detail. In 2001, as she said, Wayne Berry introduced a private member's bill to remove and repeal outdated laws that prescribed a jail sentence for abortions and laws that required women to view pictures of foetuses.

In 2002, the Assembly voted to decriminalise abortion. In 2006, RU486 became available in Australia through the Therapeutic Goods Administration, but it was not for abortions at that point. In 2012, MS-2 Step, sponsored by Marie Stopes International, was registered by the TGA with 187 providers nationwide. In 2013, a year later, MS-2 Step was listed on the Pharmaceutical Benefits Scheme for use in pregnancy of up to 49 days gestation. In 2015, MS-2 Step approval for use under the PDS was extended to 63 days gestation. So the clinical landscape changed significantly from 2012 to 2013 to 2015. Despite all of this, we have had no action to improve access to drugs for abortion in the ACT.

In 2015, my colleague Shane Rattenbury introduced legislation for protest exclusion zones in the ACT. As Shane said at the time, women should have the right to a safe, legal medical service without being harassed in any way. That was my Greens colleague. There have been other key advancements in the ACT that Greens have initiated, such as the 100 per cent renewables target, drug law reform, pill testing et cetera. But I will not keep on with that, because it is something of a digression.

Interestingly, in the period between 2012 to now, even in Queensland and New South Wales, where abortion is still technically illegal, access to abortifacients has not been restricted in the same way as in the ACT. We are simply behind the rest of Australia.

In 2016 a statement by the Women's Health Committee of the Royal Australian and New Zealand College of Obstetricians and Gynaecologists recommended access to abortion, saying:

Non-availability of termination of pregnancy services has been shown to increase maternal morbidity and mortality.

While there are abortion services available in the ACT, there is an issue of access. Their recommendation goes on to say:

Access to termination services should be on the basis of health care need and should not be limited by age, socioeconomic disadvantage, or geographic isolation.

Until this bill is, hopefully, passed in half an hour or so, Canberrans are being discriminated against on the basis of their geographical location. If we lived across the border in Queanbeyan, not many kilometres away, we would have access to medical abortions.

The recommendation also talks about women's right to access any medical services without fear of privacy infringement or harassment. That was achieved in the ACT in the previous Assembly through the work of my colleague Mr Rattenbury. Also, I can happily report that New South Wales has recently passed very similar legislation for abortion clinic safe access zones, in June this year.

Passing this bill today is important, but it is not the only thing that we should do in the ACT in terms of improved reproductive health rights. Other things include better access to affordable, reliable contraception, in particular, long-acting reversible contraception such as contraceptive implants and intrauterine devices. One of the interesting things I found in talking to some of the abortion providers was that some of them try to suggest to their clients that long-acting reversible contraception would be a good thing to have at the same time as an abortion, but they find that there is a very low take-up rate on this. I think this shows that unless this is something which can be provided then and there, we really need to improve our education and improve our access to reproductive health services as a number one priority.

We do need better sexual and reproductive health education for professionals and the community, including more consistent and tailored sex education in schools. And, of course, we need more affordable access to sexual and reproductive health services for socioeconomically disadvantaged groups and for those people who do not have ready access to funds needed to pay for an abortion.

As has been mentioned previously in this debate, there are many people who could not very quickly have access to the funds required to pay for an abortion. Even if they are basically quite well off, they may not have a spare \$500 lying around. This is an issue, and this is an issue that we as a society need to look at.

Unfortunately, there is a lack of statistical information about how big this issue is, but advocates from the sector, including the Women's Centre for Health Matters and Sexual Health and Family Planning ACT clinic, through anecdotal and practice-level information, have been able to tell me and the government, and anyone who is listening, that people are not always able to access abortion when they need to. Financial barriers are the major reason why people do not access abortion services when they desperately need them.

As a member of the crossbench, I do not have the same powers as the government to address some of the financial barriers, but I will continue to advocate strongly for these issues. One of the major reasons to support medical abortions is that there is the real possibility that they can be substantially cheaper than surgical abortions, and this is an issue for many people who may have the need to access them.

There are other issues, such as the fact that the Medicare rebate for pregnancy counselling and support specifically excludes abortion. That is, of course, beyond the jurisdiction of the ACT. Indeed, there is the stagnation of Medicare rebates for diagnostic services such as medical imaging and pathology, which is leading to bigger and bigger increases in out-of-pocket costs to healthcare consumers for these services. This is another barrier to women accessing essential services. For all of these issues, we must all talk to our federal colleagues of all political persuasions so that we can address the gaps and barriers to people accessing and exercising their fundamental sexual and reproductive health rights.

In conclusion, I would like to acknowledge once again the invaluable feedback received from some of the key stakeholders in the ACT, including the ACT Human Rights Commission, the Women's Centre for Health Matters, Sexual Health and Family Planning ACT, Marie Stopes Australia, the ACT branch of the Australian Nursing and Midwifery Federation, the Australian Medical Association ACT, the ACT chapter of the Australian College of Nurse Practitioners and a number of GPs who have approached me directly with their professional experience on this issue. I thank them very much for their support for the intentions of this bill and the improvements in abortion access that the bill is seeking to achieve.

I also want very much to thank my fellow members of the Legislative Assembly for the thoughtful and respectful way in which this debate has been conducted, be it by someone who intends to vote for the bill or someone who intends to vote against the bill. I thank you all very much for this. Madam Speaker, I commend the bill to the Assembly.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 15

Noes 4

Miss C Burch	Ms Le Couteur	Mr Coe
Ms J Burch	Ms Lee	Mrs Dunne
Ms Cheyne	Ms Orr	Mrs Kikkert
Ms Cody	Mr Pettersson	Mr Wall
Ms Fitzharris	Mr Ramsay	
Mr Gentleman	Mr Rattenbury	
Mr Hanson	Mr Steel	
Ms Lawder		

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MS FITZHARRIS (Yerrabi—Minister for Health and Wellbeing, Minister for Higher Education, Minister for Medical and Health Research, Minister for Transport and Minister for Vocational Education and Skills) (6.33), by leave: I move amendments Nos 1 to 35 circulated in my name together and table a supplementary explanatory statement to the amendments [*see schedule 1 at page 3860*].

MS LE COUTEUR (Murrumbidgee) (6.34): I would like to thank the minister for supporting the clear intention and importance of this work and for undertaking due diligence in preparing these amendments to the bill.

First, I commend the addition to the clause about conscientious objection, which provides a further safeguard that medical practitioners must not refuse, on the basis of conscientious objection alone, to provide medical assistance or treatment required because of an abortion. I further accept the amendments to the terminology and clarification that the legislation covers prescribing, supplying and administering an abortifacient. In my early consultation on the bill, the terms “termination of pregnancy” and “abortion” were used interchangeably by different stakeholders. The decision to use “termination of pregnancy” was made on the basis of modernising the legislative language, as is the case in Victoria, Tasmania, South Australia and the Northern Territory. However, if this is purely a matter of semantics, I am happy with whatever the Assembly is minded to do.

Similarly, whilst I made every effort, in drafting my legislation, to preserve the effect and intention of the exclusion zones around the approved abortion facilities, and to ensure that, if needed, they could be applied to other health facilities as needed in the future, I accept Minister Fitzharris’s amendments that clarify this.

I would like to draw attention to two amendments with which I must confess some disappointment. The first is removing nurse practitioners from the legislation. Regarding nurse practitioners, from my first investigations into rectifying access to medical abortion in the ACT, I wanted the legislation to be forward looking. That is why I sought to include nurse practitioners. The proposal was supported by the ACT chapter of the Australian College of Nurse Practitioners and key women’s health advocates, as a way to increase both access and affordability. I do recognise, as Minister Fitzharris pointed out, that this is not currently in the scope of practice for nurse practitioners in the ACT. Indeed, their prescribing rights are restricted under the PBS. Minister Fitzharris said that she was recognising reality, which she was, but I guess my response is that I am trying to change reality here, hopefully for the better.

Of course, even leaving these barriers aside, there is scope for nurse or nurse practitioner supported models of care for people seeking an abortion. Nurse practitioners and nurses can work with a GP to conduct patient intake and assessment, and then liaise with the GP for necessary referrals and prescriptions. This can assist with the timely provision of access to medical abortions, which are time critical as

they can only occur in the first nine weeks of pregnancy. The legislative changes will still make it easier, I hope, for these arrangements to occur in the ACT.

The second point is about delaying these legislative changes for potentially up to 12 months. While I understand that the minister wants to ensure that the health sector in the ACT is prepared for the change, I must say that there are at least two organisations that are ready to go on this issue now. They are doing it across the road, in Queanbeyan. They already provide telehealth services through most of the rest of the country.

As highlighted in my speech, we have not rushed to push availability and access to this medication in the ACT. It has been five years since the rigorous investigations by the Australian Therapeutic Goods Administration approved the safety and efficiency of this medication for the purposes of abortion, and more than 10 years since the drug was able to be prescribed in Australia.

In agreeing to this amendment, I am hopeful that it will not cause further unnecessary delays in accessing medical abortions for the people of Canberra and that it will be put to good use so that the legislation, when put into action, will help the people of Canberra in times which can be very difficult for them. I commend the soon to be amended bill to the Assembly.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Adjournment

Motion (by **Mr Gentleman**) proposed:

That the Assembly do now adjourn.

R U OK? Day

MS CODY (Murrumbidgee) (6.39): I rise today on what should normally be a very happy occasion, International Talk Like a Pirate Day: “Arrgh, me hearties!” Unfortunately, though, today I rise to talk about something very serious, and something that is very close to my heart.

Last week was R U Okay? Day. It is a day when people are encouraged to check on their friends, their neighbours, their colleagues and everyone that they come in contact with, and ask, “Are you okay?” They are three simple little words that can mean the world.

Last year I was touched by suicide myself. In fact it was a year ago last week. Today I found out that a very dear former colleague and friend has also passed away. I rise today to raise awareness and to encourage everyone in the community to remember

that sometimes there are signs. Sometimes you might get a slightly extra hug from someone that you may not normally get, or they may have been very fastidious about mowing the lawn, doing the housework or keeping things clean but they have let that all go. Sometimes, just in your gut, you feel that there is something wrong with a person you would normally see as happy and jolly.

I would encourage everyone in the community to remember that by asking “Are you okay?” and just checking in with everyone whenever you get the chance, it could mean the difference for that person.

Although R U OK? Day has been and gone—it was last week—I think it is very timely today to remind everyone, although it is International Talk Like a Pirate Day and it should be a jolly occasion, that there are serious things going on out there and we should remember to check in with our friends, our family, our neighbours and our community, and ask those three simple little words, “Are you okay?”

Rotary Club of Canberra—Weston Creek

MR HANSON (Murrumbidgee) (6.41): I rise to recognise the work of Rotary, specifically the Rotary Club of Canberra—Weston Creek, a group I have long been a part of and long supported and which has long served our community well.

I was prompted to say something today after catching up with a number of members at their sausage sizzle on the weekend at the Weston Creek Community Centre event. Seeing them there reminded me of what a really great group of people they are. The Rotary organisation is, of course, one of the best known and most successful civic organisations anywhere in the world. Their mission statement is “to advance world understanding, goodwill, and peace through the improvement of health, the support of education, and the alleviation of poverty”.

Probably the best known of the Rotary Foundation’s programs is polio plus. This is the highly successful effort to eradicate polio that has been conducted throughout the world in conjunction with the United Nations World Health Organisation over the past 25 years. The scholarship programs for ambassadorial scholars and peace scholars and the Rotary youth exchange scheme are also well known. They have raised literally hundreds of millions of dollars and have been instrumental in tens of thousands of events and community projects.

I would like to bring attention to the local, as well as the global, good that they provide. The Rotary Club of Canberra—Weston Creek, meets every Monday and quietly goes about doing some great work at a genuine grass roots level. The Rotary Club of Canberra—Weston Creek undertakes a number of fundraising activities in Weston Creek and the wider Canberra community. These include special collections at Coleman Court with proceeds going to charity, directing car parking at major sporting events, and barbecues at local events.

The proceeds of these events are directed to local programs. For example, some of the programs in the youth and vocational services area include presentation of the annual Rotary endeavour award for a year 10 student at Stromlo High School exhibiting high

achievement despite personal barriers, presentation of the Canberra Institute of Technology vocational award, and the presentation of the Janice Battisson memorial awards for young pianists in the Canberra region.

In the local and community services sector, their activity includes carrying out gardening and grounds maintenance at the Ambara Court aged living facility, participating in working bees, and supporting Camp Quality. This is, of course, in addition to the many international and other local programs.

However, it is the local people, turning up every week, running those stalls at Cooleman Court, directing traffic at the sporting events and tirelessly working for nothing more than doing the right thing, that I am here to recognise today. I would like to acknowledge the members of the club, most of whom I have met over the years, and many of whom, along with their partners, have become friends. Sadly, some, I note, are no longer with us.

I would like to acknowledge the president, Catherine Ross, and past and present members, including Richard Gilbert, John Green, Les Sutton, Peter Dinn, Greg Fisher, Tony Maple, Mal Ferguson, John Laslett, Lionel Barrett, Janice Paull, Lionel Wood, Graham Giles, Ash Pagett, John Sykes, Margaret McIver, Lindsay Jolley, Ronit Goldberger, Jeanette Jolley, Jan MacNutt, Terry Mernagh, David Edwards, Keith Richmond, Warwick Elliott, Ken Riordan, John Shinerock, Mark Spill, Jack White, Anne Lomax, John Gibson, John Kennedy; Tim Dalton, Claude Hastir, Robert Altamore, Lindy Schaefer; Gordon Shaw, Prasan Sharp, the late Jim Benson, Annemarie Driver, Simon Felgate, Roy Pubal, Damien Farrell, Denis Cairnduff, Barry Starr, Hugh Taylor, Jan Adams, John Bilderbeek, Julian Flynn, Lisa Hawkrige, Graeme Ireland, John Morgan, Julie O'Connor, Ray Swift, Warren Turton, Trent Bowen, Janet Duff, Mary Flanagan, Fiona Hurley, Garth Legatt, Gail Freeman, Barry Lambert, Christine Pilgrim, and Ian Watson Smith.

If I have missed anyone, I certainly apologise. I again say: well done to the Rotary Club of Canberra—Weston Creek, a great team who provide a great service to our community.

Florey Neighbourhood Watch

MS CHEYNE (Ginninderra) (6.46): I rise today to speak briefly about the recent establishment of Florey Neighbourhood Watch and what a fantastic job they have done in just a few months in terms of bringing the community together. It is very ably led by Sharon, a Florey resident of course, and supported by an ever-growing band of volunteers.

Not only has Sharon been leading some fantastic Florey community catch-ups on Tuesday mornings once a month at Cafe Bolivar at the Florey shops; she has also been hosting regular meetings for the community to share news and information about Florey and how to stay safe. On top of that, in just a few short months she has also managed to pull together a fantastic clean-up Florey day, which occurred on 1 September.

I arrived a little late after coming from another appointment. I am pleased to say that I was the 50th person who registered for the clean-up that day. What a great day it was! The sun was shining. Unfortunately, as usual on these clean-up days, once you start digging there are all sorts of treasures to be found. Among my finds were a putter and a remote-controlled helicopter, which I am sure someone deeply misses. However, I regret to say that it was certainly no longer in working order. I understand that Gordon Ramsay also collected a range of interesting things, including an old hi-fi speaker. I think he said, quite cutely, that it was not so high fidelity anymore.

In addition, the day was launched by the president of Neighbourhood Watch ACT, Margaret Pearson. Sharon had also organised for ACT Policing to come along as part of Secure September. They were able to provide secure licence plates that, in accordance with the name, are tamper-proof.

On top of that, numerous businesses supported the day, including Peter Blackshaw Belconnen as well as a range of other businesses that provided food for the barbecue, which was very much enjoyed by the 50-plus residents who were there.

I want to put on the record my thanks to the Florey Neighbourhood Watch team who are providing a fantastic real grassroots community service. It was great to see local members turn up on the day, including Mrs Kikkert. I look forward to many more of them and to continuing to work with them. They really should be commended for the enthusiasm and the gusto that they have demonstrated in bringing the community together.

Timor-Leste

MS LE COUTEUR (Murrumbidgee) (6.49): I rise to talk very briefly about a rally that I attended last week. I am not sure if the right word is “commemorate”. It was to comment on the trial that is about to be launched of witness K and Bernard Collaery. Bernard Collaery is a former member of this Assembly, a former Attorney-General and a respected lawyer, particularly a human rights lawyer. Witness K is a former ASIS employee. They have revealed information about bugging activities in Timor-Leste.

I will not go through the public details of this matter. I am sure that those who are interested already know them. But there are a number of points. First, it would appear that the bugging was illegal. Secondly, of course—

Mr Hanson: Madam Speaker, I apologise for rising, but I raise a point of caution around sub judice. I understand that this matter is before the courts. I think it would be wise if you were to look at this issue and at least provide a caution to Ms Le Couteur before she continues.

MADAM SPEAKER: I was about to stand. Ms Le Couteur, you have your time to speak to the adjournment motion, but be cautious.

MS LE COUTEUR: I will not say anything more about the alleged activities. I will merely say that Timor-Leste is a very poor country and it behoves us, Australia, as a much bigger and more powerful country to treat Timor-Leste with the utmost respect and to negotiate fairly with it.

I also would say that it is important that all parts of government have whistleblower protections. I trust that this will be fairly resolved.

Question resolved in the affirmative.

The Assembly adjourned at 6.52 pm.

Schedule of amendments

Schedule 1

Health (Improving Abortion Access) Amendment Bill 2018

Amendments moved by the Minister for Health and Wellbeing

1

Clause 2

Page 2, line 4—

omit clause 2, substitute

2 Commencement

- (1) This Act commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

- (2) If this Act has not commenced within 12 months beginning on its notification day, it automatically commences on the first day after that period.

- (3) The Legislation Act, section 79 (Automatic commencement of postponed law) does not apply to this Act.

2

Clause 4

Page 2, line 10—

[oppose the clause]

3

Clause 5

Proposed new division 6.1 heading

Page 2, line 15—

omit

Terminations

substitute

Abortions

4

Clause 5

Proposed new section 80

Page 2, line 16—

omit proposed new section 80, substitute

80 Definitions—pt 6

- (1) In this part:

abortifacient means a medicine, drug or other substance that causes a pregnancy to end prematurely.

abortion means a medical abortion or surgical abortion.

approved medical facility means a medical facility approved under section 84.

surgical abortion means a surgical procedure or any other procedure or act (other than the administration or supply of an abortifacient) that causes a pregnancy to end prematurely.

(2) In this section:

medical abortion means the prescription, supply or administration of an abortifacient.

5

Clause 5

Proposed new section 81 heading

Page 3, line 10—

omit

termination drug

substitute

abortifacient

6

Clause 5

Proposed new section 81 (1) (a)

Page 3, line 12—

omit

a termination drug

substitute

an abortifacient

7

Clause 5

Proposed new section 81 (1) (b)

Page 3, line 14—

omit

termination drug

substitute

abortifacient

8

Clause 5

Proposed new section 81 (1) (c)

Page 3, line 16—

omit

or nurse practitioner

9

Clause 5

Proposed new section 81 (2) (a)

Page 3, line 19—

omit

a termination drug

substitute

an abortifacient

10

Clause 5

Proposed new section 81 (2) (b)

Page 3, line 21—

omit

a termination drug

substitute

an abortifacient

11

Clause 5

Proposed new section 81 (3) (b)

Page 3, line 25—

omit

termination drug

substitute

abortifacient

12

Clause 5

Proposed new section 82 heading

Page 4, line 4—

omit

termination

substitute

abortion

13

Clause 5

Proposed new section 82 (1) (a)

Page 4, line 6—

omit

termination

substitute

abortion

14

Clause 5

Proposed new section 82 (2)

Page 4, line 10—

omit

termination

substitute

abortion

15

Clause 5

Proposed new section 83 heading

Page 4, line 11—

omit

termination

substitute

abortion

16

Clause 5

Proposed new section 83

Page 4, line 14—

omit

termination

substitute

abortion

17

Clause 5

Proposed new section 84 (1)

Page 4, line 20—

omit

terminations

substitute

abortions

18

Clause 5

Proposed new section 84A (1)

Page 5, line 2—

omit

supply or administer a termination drug

substitute

prescribe, supply or administer an abortifacient

19

Clause 5

Proposed new section 84A (1)

Page 5, line 4—

omit

termination

substitute

abortion

20

Clause 5

Proposed new section 84A (2)

Page 5, line 6—

substitute

(2) An authorised person must not refuse, only because of a conscientious objection—

- (a) to carry out, or assist in carrying out, a surgical abortion in an emergency where an abortion is necessary to preserve the life of the pregnant person; or

- (b) to provide medical assistance or treatment to a person requiring medical treatment because of an abortion.

21

Clause 5

Proposed new section 84A (3)

Page 5, line 12—

omit

supply or administer a termination drug

substitute

prescribe, supply or administer an abortifacient

22

Clause 5

Proposed new section 84A (3)

Page 5, line 13—

omit

termination

substitute

abortion

23

Clause 5

Proposed new section 84A (4)

Page 5, line 15—

omit

supply or administer a termination drug

substitute

prescribe, supply or administer an abortifacient

24

Clause 5

Proposed new section 84A (4)

Page 5, line 17—

omit

termination

substitute

abortion

25

Clause 5

Proposed new section 84A (4)

Page 5, line 18—

omit

drug or termination

substitute

abortifacient or abortion

26

Proposed new clauses 6A to 6C

Page 5, line 24—

insert

6A Section 85 (1), definition of *prohibited behaviour*

omit

an approved medical

substitute

a protected

**6B Section 85 (1), definition of *prohibited behaviour*,
Paragraph (a) (i)**

omit

approved medical

substitute

protected

**6C Section 85 (1), definition of *prohibited behaviour*,
paragraph (a) (ii)**

substitute

- (ii) having an abortion, providing a surgical abortion or prescribing, supplying or administering an abortifacient in the protected facility;

27

Clause 7

Page 6, line 1—

omit clause 7, substitute

**7 Section 85 (1), definition of *prohibited behaviour*,
paragraph (b) (ii)**

substitute

- (ii) is intended to stop a person from—
- (A) entering the protected facility; or
- (B) having an abortion, providing a surgical abortion or prescribing, supplying or administering an abortifacient in the protected facility;

28

Clause 8

Page 6, line 7—

omit clause 8, substitute

**8 Section 85 (1), definition of *prohibited behaviour*,
paragraph (c)**

omit

the provision of abortions in the approved medical facility

substitute

a person doing any of the things mentioned in paragraph (b) (ii) (A) or (B)

8A Section 85 (1), new definition of *protected facility*

insert

protected facility means an approved medical facility or other place around which a protected area has been declared under section 86.

8B	Section 85 (2) <i>omit</i> an approved medical <i>substitute</i> a protected
8C	Declaration of protected area New section 86 (1A) <i>insert</i> (1A) The Minister may declare an area around a place where an abortifacient is prescribed, supplied or administered to be a protected area.
8D	Section 86 (2) (a) <i>omit</i> approved medical <i>substitute</i> protected
8E	Section 86 (2) (b) <i>omit</i> an approved medical <i>substitute</i> the protected
8F	Prohibited behaviour in or in relation to protected area Section 87 (2) (a) <i>omit</i> an approved medical <i>substitute</i> a protected
8G	Section 87 (2) (b) <i>substitute</i> (b) the person does so with the intention of stopping a person from— (i) having an abortion; or (ii) providing a surgical abortion; or (iii) prescribing, supplying or administering an abortifacient; and

29

Clause 9

Page 6, line 13—

[oppose the clause]

30

Clause 10

Proposed new section 130 (2)

Page 6, line 24—

omit

terminations

substitute

abortions

31

Clause 13

Dictionary, note 2, proposed new dot point

Page 8, line 11—

omit

- nurse practitioner

32

Proposed new clause 13A

Page 8, line 12—

insert

13A Dictionary, new definition of *abortifacient*

insert

abortifacient, for part 6 (Abortions)—see section 80 (1).

33

Clause 14

Page 8, line 13—

omit clause 14, substitute

14 Dictionary, definition of *abortion*

substitute

abortion, for part 6 (Abortions)—see section 80 (1).

34

Clause 15

Proposed new definition of *approved medical facility*

Page 8, line 17—

omit

(Terminations)

substitute

(Abortions)

35

Clause 16

Page 8, line 19—

omit clause 16, substitute

16 Dictionary, new definitions

insert

protected facility, for division 6.2 (Patient privacy in protected areas)—see section 85.

surgical abortion, for part 6 (Abortions)—see section 80 (1).
